Department of Defense

National Security Personnel System

Fundamentals of NSPS

An Overview of the Final Enabling Regulations

http://www.cpms.osd.mil/nsps

Fall 2005

Welcome to the *Fundamentals of NSPS*

Final Enabling Regulations

In October 2005, DoD published the final enabling regulations for the National Security Personnel System (NSPS) in the Federal Register. The regulations take into account the comments by civilian employees and their labor representatives, management, and many others.

To help you understand the regulations, the NSPS Program Executive Office (PEO) created this presentation, “Fundamentals of NSPS.”

Note regarding the specificity of the regulations: Many parts of the regulations remain relatively general in nature and expressly provide for the Department to develop implementing issuances to carry out the policies established in accordance with NSPS.

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Getting Started

Fundamentals of NSPS presents the final NSPS regulations in an accessible, easy-to-understand format, and summarizes every section of the NSPS regulations.

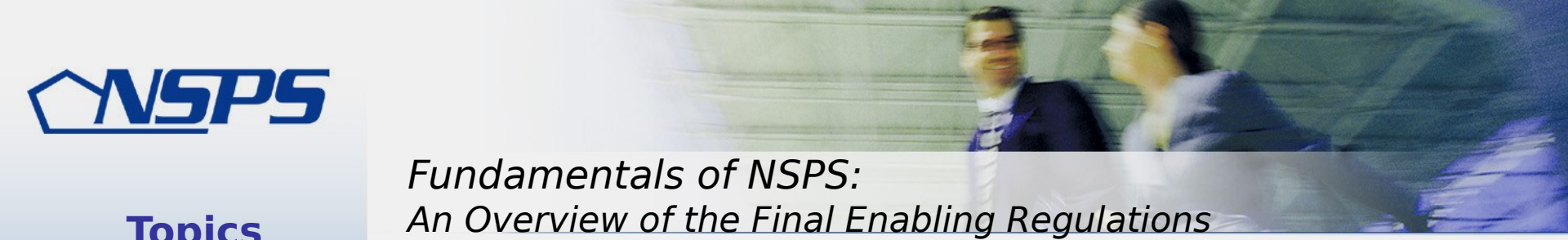
It also provides a glossary and acronym list so you can better understand the system. Topics are categorized by regulation subpart.

For each subpart, you can review:

- Analysis of the regulation
- Knowledge checks to test your understanding

The analyses pages provide links to the sections of the regulation as published in the *Federal Register*.

Click a topic to begin!



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General Provisions

The final regulations contain the following sections.

Select one for more information.

- Purpose
- Eligibility and Coverage
- Scope of Authority
- Coordination with OPM
- Continuing Collaboration (with employee representatives)
- Relationship to Other Provisions
- Program Evaluation

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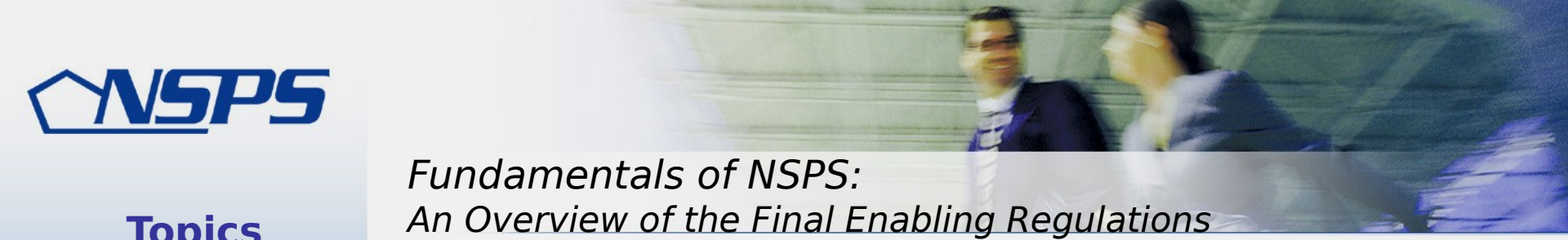
Purpose

(9901.101)

The purpose of the regulations is to establish NSPS as the new human resources management system, which includes a new appeals process. NSPS also includes a new labor relations system for DoD. The regulations are based on guiding principles and key performance parameters set by DoD and OPM leadership.



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Eligibility and Coverage

(9901.102)

All civilian employees are eligible for coverage, except to the extent specifically prohibited by law. A summary chart displaying some of the major categories of employees that are eligible or not eligible for coverage under NSPS systems is available.

Note: Each subcategory of the regulations contains a "coverage" section that provides specific coverage details. (continued)

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Eligibility and Coverage (continued) (9901.102)

The Secretary, at his or her discretion, may:

- Bring employees into NSPS at any time (including those under discretionary personnel systems (title 10) under certain conditions).
- Establish or change an effective date for applying the NSPS Labor Relations System to all eligible employees (including laboratory demonstration projects, non-appropriated fund employees, and prevailing rate employees).

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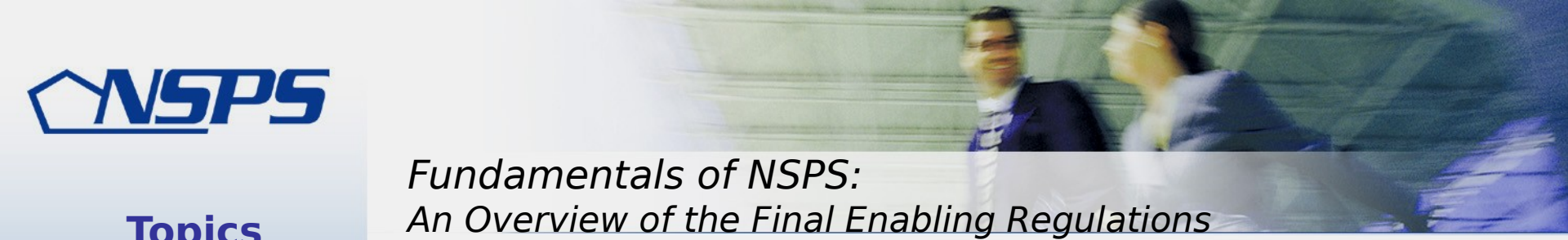

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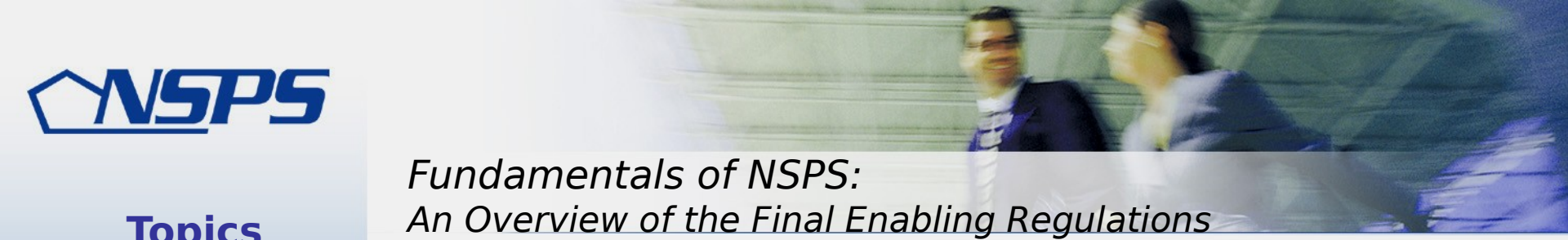
Eligibility and Coverage (continued) (9901.102)

Any new classification, pay, or performance management system covering the Senior Executive Service (SES) will conform to OPM government-wide policies and procedures. If the Secretary brings SES into NSPS under rules substantially different from government-wide policies, DoD and OPM must issue jointly prescribed regulations setting new rules.



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Scope of Authority

(9901.104)

The authority for implementing NSPS is 5 U.S.C. 9902 (title 5). The NSPS regulations may waive or modify certain chapters of title 5, including:

- Chapter 31, 33, and 35 (staffing, employment, and workforce shaping)
- Chapter 43 (performance appraisal systems)
- Chapter 51 (General Schedule job classification)
- Chapter 53 (pay for General Schedule employees, pay and job grading for Federal Wage System (FWS) employees, and pay for certain other employees)
- Subchapter V of chapter 55 (premium pay), except section 5545b (firefighter pay)
- Chapter 71 (labor relations, authorized by section 9902(m))
- Chapter 75 (adverse actions)
- Chapter 77 (appeal of adverse actions and certain other actions)

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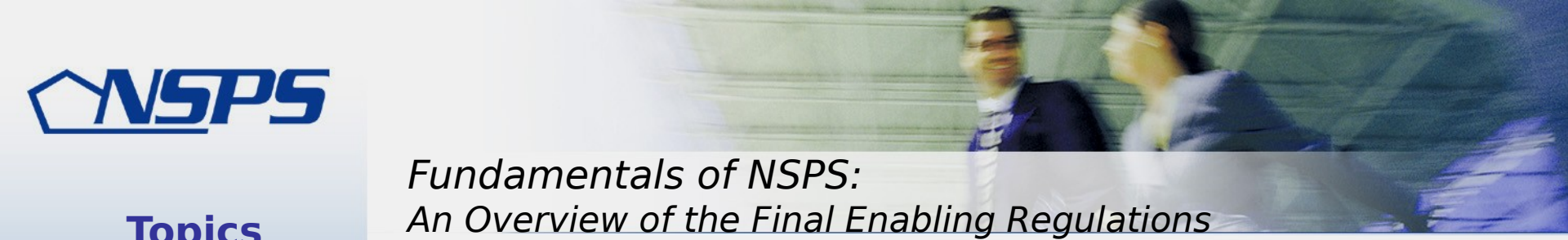

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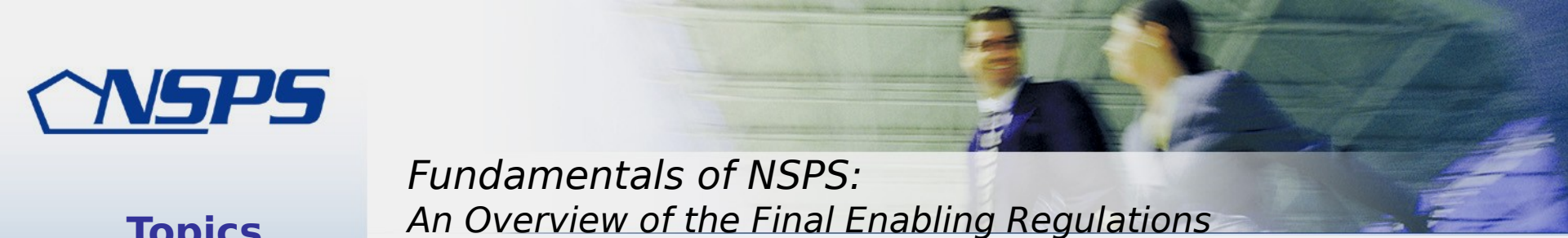
Coordination with OPM

(9901.105)

DoD will coordinate with OPM prior to establishing or modifying aspects of the NSPS classification system, compensation system, appointing authorities, and examining procedures and before establishing or administrating a workforce shaping system. The Secretary will coordinate with the Director when making the determination that NSPS meets the criteria set in title 5 of the U.S. Code.

When the Secretary proposes an action requiring coordination, the Secretary will allow the Director time to comment, consider the Director's comments, and provide notice of implementation of the action before any final determination is made.



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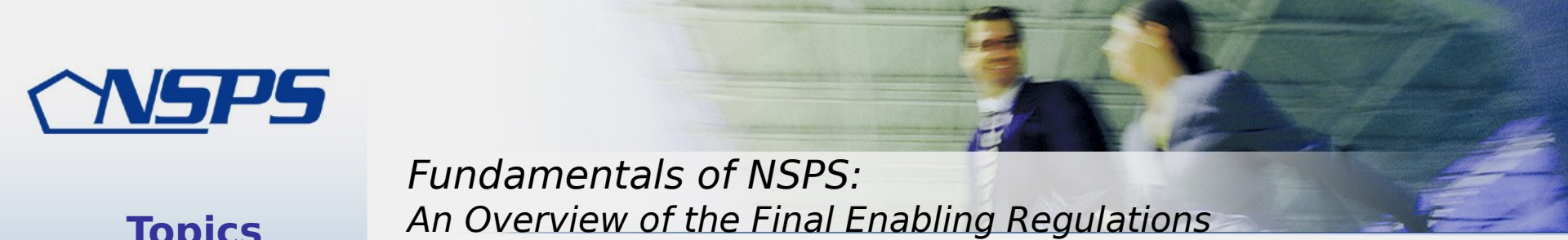
Continuing Collaboration (9901.106)

DoD will include labor unions in further development and/or adjustment of NSPS, including development of internal implementing issuances.

The unions will have the opportunity to meet and discuss their views and recommendations with DoD officials. DoD will determine the timelines and terms for the meetings. (continued)



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Continuing Collaboration (continued) (9901.106)

Written comments and/or recommendations from the unions will be part of the record and will be considered before a final decision is made.

This is the exclusive procedure for labor union representative participation in the development or adjustment of the implementing issuances. This is NOT a bargaining process. The Secretary, Deputy Secretary, Principal Staff Assistants, or Secretaries of the Military Departments reserve the right to determine content of any implementing issuances.

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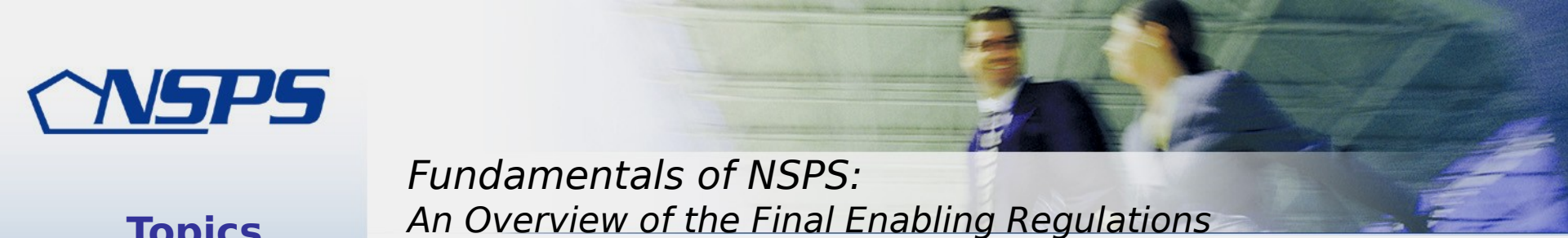

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Relationship to Other Provisions (9901.107)

These regulations must be recognized as a means to promote swift, effective day-to-day accomplishment of the DoD mission. DoD and OPM interpretation of these regulations must be accorded great deference in proceeding before third parties.

NSPS employees will be covered under the waived, modified, or replaced chapters for the purpose of other laws outside those chapters, except as specifically provided in the NSPS regulations or in implementing issuances.

Certain law-enforcement officer special base rates and geographic adjustments do not apply to employees covered by the NSPS classification and pay system.

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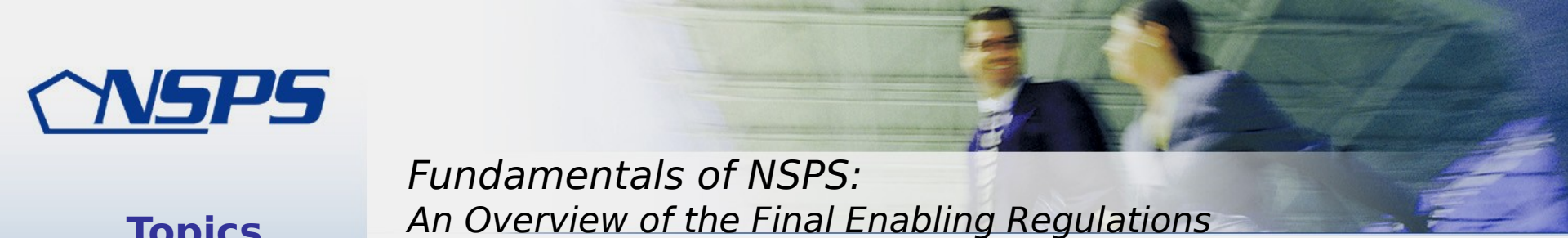

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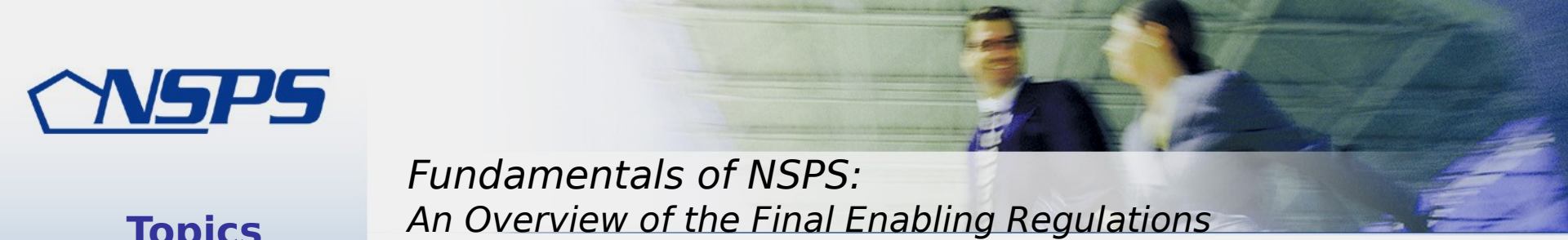
Relationship to Other Provisions (continued)

(9901.107)

Nothing in NSPS waives or modifies employment discrimination laws under the Equal Employment Opportunity Commission (EEOC).



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Program Evaluation

(9901.108)

The Secretary will evaluate NSPS regulations and implementation. Employee representatives will have a role in this evaluation process. Note that nothing in the regulations prevents evaluations of NSPS by other appropriate organizations, such as the Merit Systems Protection Board or the Government Accountability Office.

General Provisions—Knowledge Check 1

Click the appropriate answer:

The NSPS regulations completely replace title 5.

a) True

b) False

General Provisions—Knowledge Check 2

Click the appropriate answer:

Who is eligible for coverage under NSPS?

a)Management only
b)Senior Executives
c)Employees with 10 years of service or le
ss
d)All civilian DoD employees

General Provisions—Knowledge Check 3

Click the appropriate answer.

Implementing Issuances are:

a) Work products, services, outputs, or results provided or produced by an employee.

b) Documents issued by the Secretary, Deputy Secretary, Principal Staff Assistants, or Secretaries of the Military Departments to carry out a policy or procedure of the Department or Military Department implementing the NSPS regulations.

c) Groups or families of positions performing similar types of work.

Knowledge Check 2 Knowledge Check 4

General Provisions—Knowledge Check 4

Click the appropriate answer:

DoD will work with OPM and collaborate with _____ during development of NSPS implementing issuances.

a) the Government Accountability Office (GAO)
b) union representatives for civilian DoD employees
c) the Office of Management and Budget (OMB)
d) the Department of Homeland Security (DHS)

Knowledge Check 3 Knowledge Check 5

General Provisions—Knowledge Check 5

Click the appropriate answer:

NSPS affects employment discrimination laws under the EEOC.

a) True
b) False

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Classification

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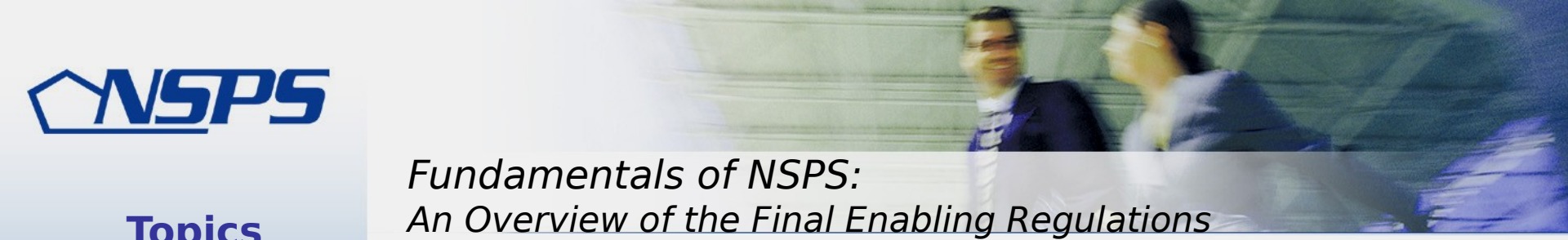
Select one for more information.

- Purpose
- Coverage
- Waivers
- Bar on Collective Bargaining
- Career Groups
- Pay Schedules and Pay Bands
- Classification Requirements
- Reconsideration of Classification Decisions
- Conversion of Positions and Employees to the NSPS Classification System



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Purpose

(9901.201)

The classification sections of the regulations provide a framework for DoD to establish a new job classification system. Similar to the title 5 system, NSPS will fulfill the merit principle that equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

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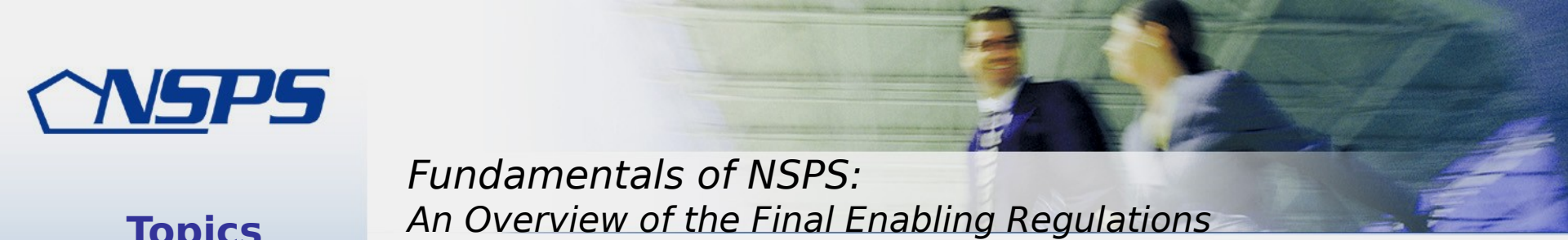

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Purpose (continued)

(9901.201)

This new method of classification will:

- Use broader pay bands than the General Schedule (GS)
- Allow for market-sensitive pay decisions

The NSPS classification system will provide for a structure with consistently defined work levels, while the performance management and compensation systems will establish the value of that work.

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Coverage

(9901.202)

The classification regulations make the following categories of employees eligible for coverage: General Schedule, FWS rate, SES, senior and scientific or professional positions (SL/ST), and others as determined by the Secretary.

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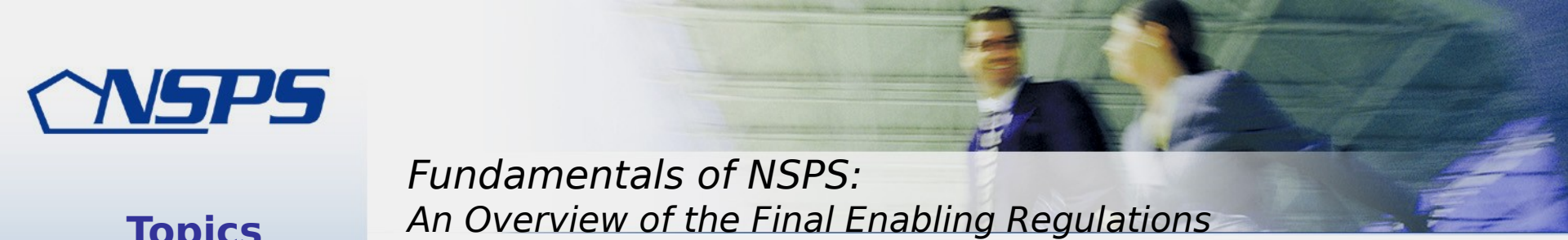

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Waivers

(9901.203)

The NSPS classification system may waive certain title 5 provisions for DoD employees.

The section of title 5 dealing with the classification of positions above GS-15 is not waived for the purpose of defining and allocating SES positions.

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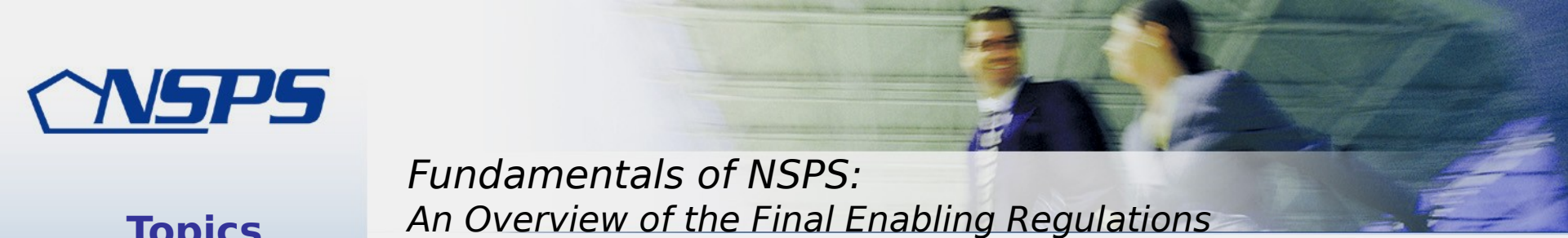

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Bar on Collective Bargaining

(9901.205)

The NSPS classification system is not subject to collective bargaining. This bar on collective bargaining applies to all aspects of the classification system, including, but not limited to coverage determinations, the design of the classification structure, and classification methods, criteria, and administrative procedures and arrangements.

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Career Groups

(9901.211)

NSPS implementing issuances will document and explain the new DoD career groups. The Secretary will base these groups on mission/function, nature of work, qualifications or competencies, career or pay progression patterns, relevant labor-market features, and other characteristics.

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Pay Schedules and Pay Bands

(9901.212)

Implementing issuances will establish pay schedules for career groups.

Each pay schedule may include one or more pay bands. The pay bands within a pay schedule will represent progressively higher levels of work with correspondingly higher pay ranges.

The following graphic shows an example of how the classification structure may be implemented.

(continued)

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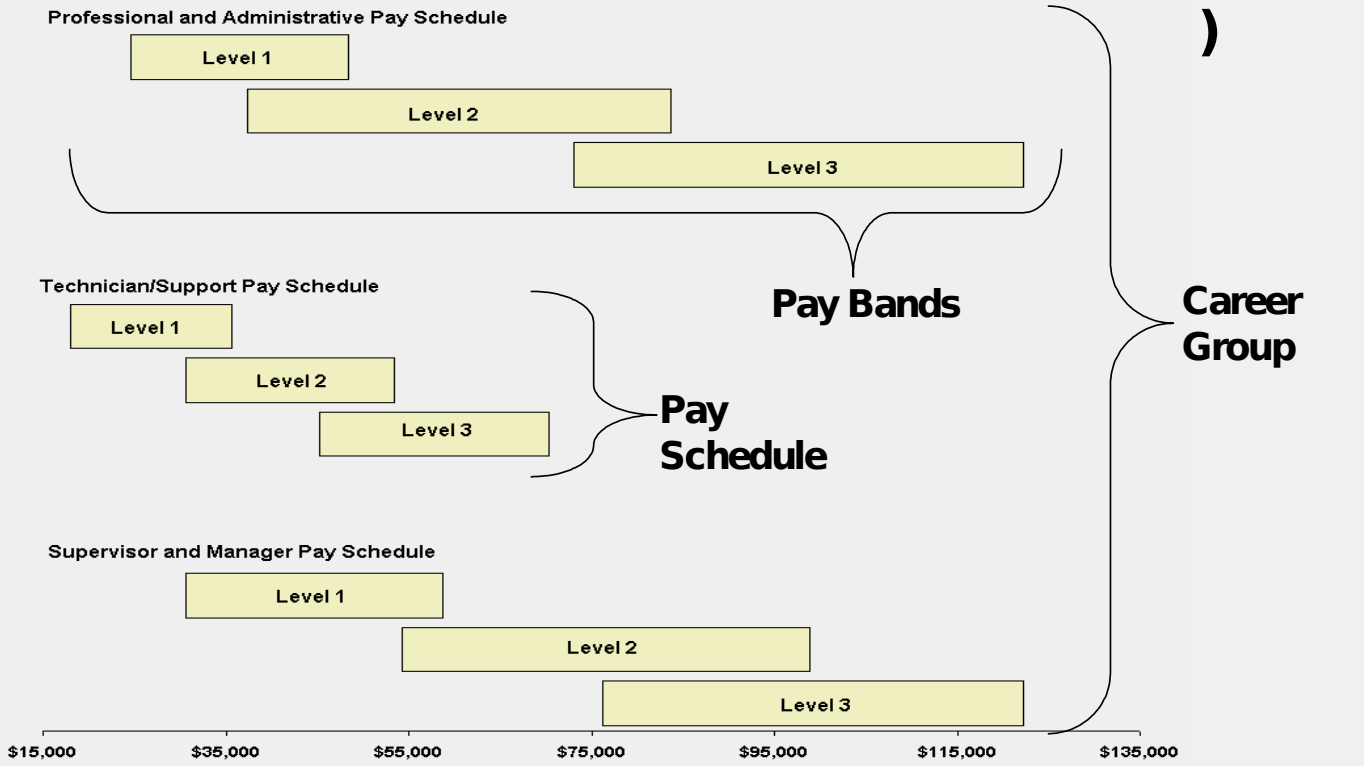
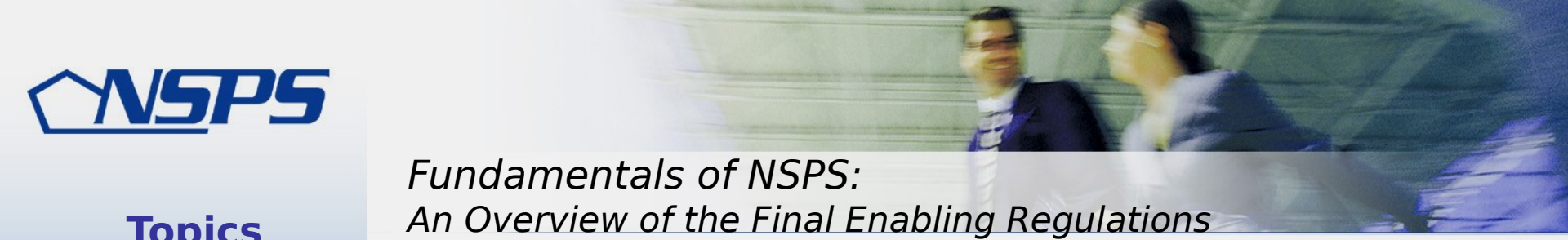
Pay Schedules and Pay Bands (continued) (9901.212)





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Classification Requirements

(9901.221)

The Secretary will establish a method for describing and documenting duties, responsibilities, and qualifications requirements for jobs (position descriptions). As part of this method, the Secretary will generally retain OPM occupational definitions, titles, and series. The Secretary will establish internal classification criteria for assigning positions to career groups, pay schedules, and pay bands. Classification decisions are to be implemented by a personnel action, which will occur within four pay periods of the date of the decision.

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Reconsideration of Classification Decisions (Appeals) (9901.222)

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Under NSPS, employees may request that DoD or OPM reconsider the classification (that is career group, pay schedule, occupational series, official title, or pay band) of their official positions of record at any time. This opportunity to file a request for reconsideration (classification appeal) is similar to the classification appeal process under the GS system.

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Conversion of Positions and Employees to the NSPS Classification System (9901.231)

The implementing issuances will prescribe policies and procedures for initially converting employees to the NSPS pay-banding system. The policies and procedures will guarantee that, upon conversion, employees will not experience a reduction in their total salary. The conversion process may allocate a greater or lesser amount to basic pay than an employee's rate of basic pay under the General Schedule, but the total of basic pay plus local market supplement will be no less than the total of GS basic pay plus locality pay or special rate supplement (unless the conversion involves a geographic relocation).

Classification—Knowledge Check 1

Click the appropriate answer.

Which of the following is NOT a goal of the NSPS classification system?

a) Align with the merit principle that equal pay should be provided for work of equal value.

b) Follow the current title 5 classification structure.

c) Appropriately consider both national and local rates paid by employers in the private sector.

d) Provide for a structure with consistently defined work levels.

Classification—Knowledge Check 2

Click the appropriate answer.

A career group is:

a) A work level and associated pay range.
b) A set of related pay schedules.
c) A grouping of one or more associated or related occupations that include one or more pay schedules.
d) A set of work assignments or responsibilities.

Classification—Knowledge Check 3

Click the appropriate answer.

A pay band is:

a) An employee's rate of pay before any deductions and exclusive of a dditional pay of any kind, except as expressly provided by law or regulation.
b) A work level and associated pay range within a pay schedule.
c) An element of the performance payout that consists of a one-ti me lump-sum payment made to employees.
d) A group or family of positions performing similar types of work.

Classification—Knowledge Check 4

Click the appropriate answer.

A pay schedule is:

a) A set of related pay bands for a specified category of work within a career group.
b) The rate of basic pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional pay of any kind.
c) A group or family of positions performing similar types of work.
d) An element of the performance payout that consists of a one-time lump-sum payment made to employees.

Classification—Knowledge Check 5

Click the appropriate answer.

Which one of the following factors will NOT contribute to the definition of the new DoD career groups?

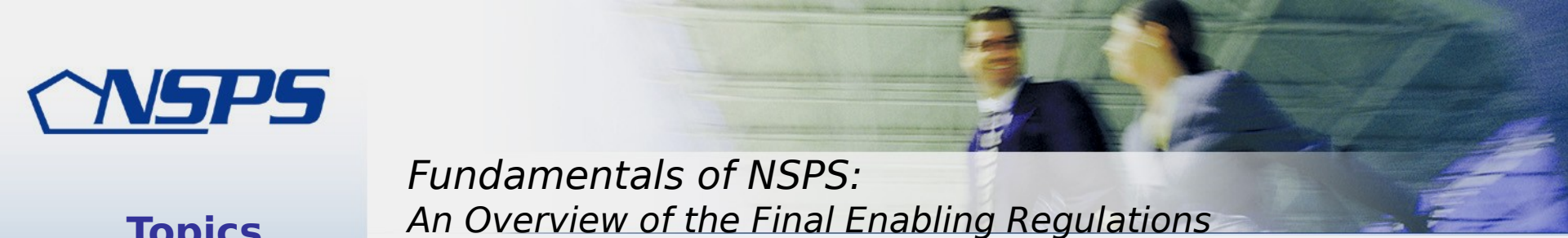
a)DoD mission/function
b)Qualifications/competencies
c)Tenure
d)Nature of work

Classification—Knowledge Check 6

Click the appropriate answer.

NSPS will _____ the ability of employees to file a classification appeal (request for reconsideration).

a)expand
b)reduce
c)not impact



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- National Security Compensation Comparability
- Structure for Setting and Adjusting Rate Ranges
- Setting and Adjusting Rate Ranges
- Eligibility for Pay Increase Associated with a Rate Range Adjustment
- Local Market Supplements
- Setting and Adjusting Local Market Supplements
- Eligibility for Pay Increase Associated with a Supplement Adjustment
- Performance-Based Pay
- Performance Payouts
- Pay Reduction Based on Unacceptable Performance and/or Conduct
- Other Performance Payments
- Treatment of Developmental Positions
- Setting an Employee's Starting Pay
- Setting Pay Upon Reassignment
- Setting Pay Upon Promotion
- Setting Pay Upon Reduction in Band
- Pay Retention
- Miscellaneous Pay Administration
- Premium Pay—General
- Conversion Principles—General

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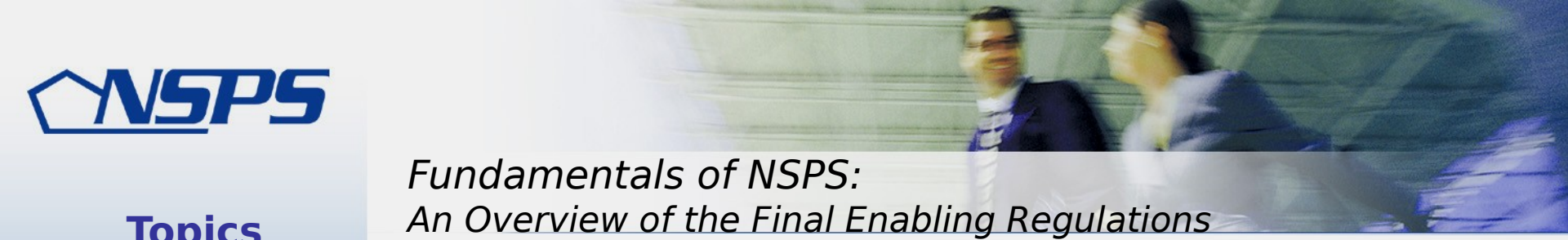

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Purpose

(9901.301)

The pay and pay administration sections of the NSPS regulations establish the framework for the NSPS pay system. They include provisions for setting pay rates for pay bands, pay administration, performance pay, and premium pay. The new system links pay to employees' performance ratings and is designed to promote a high-performance culture within DoD.

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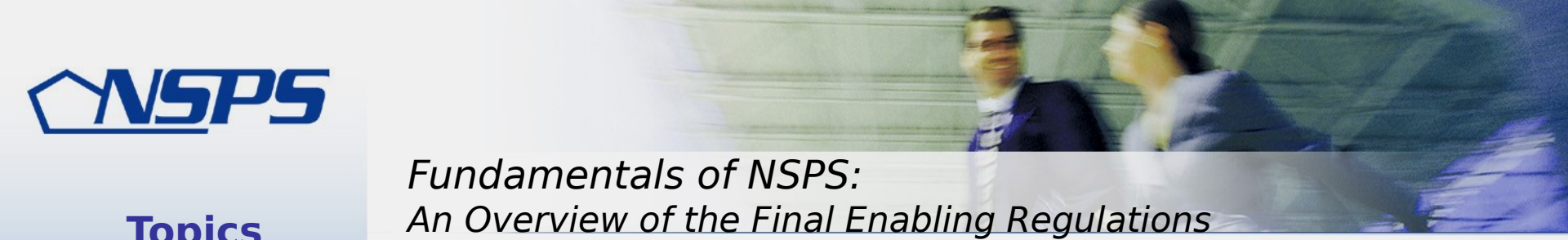

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Coverage

(9901.302)

The pay and pay administration sections may apply to:

- Employees and positions formerly covered by the GS pay system.
- Employees and positions formerly covered by the FWS.
- Employees formerly in senior-level and scientific or professional positions (SL/ST).
- Members of the SES.
- Others designated by the Secretary.

This section does not apply in determining premium pay coverage.

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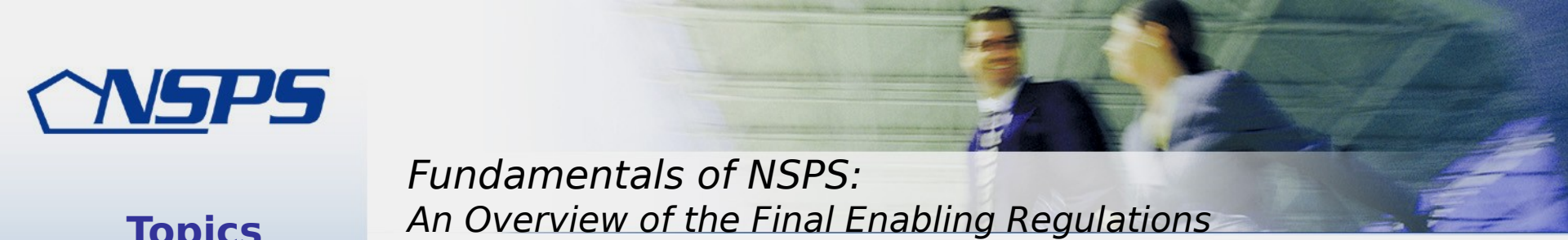

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Waivers

(9901.303)

When a specified category of employees is covered under this section, certain provisions under chapters 53 and 55 of title 5 are waived.

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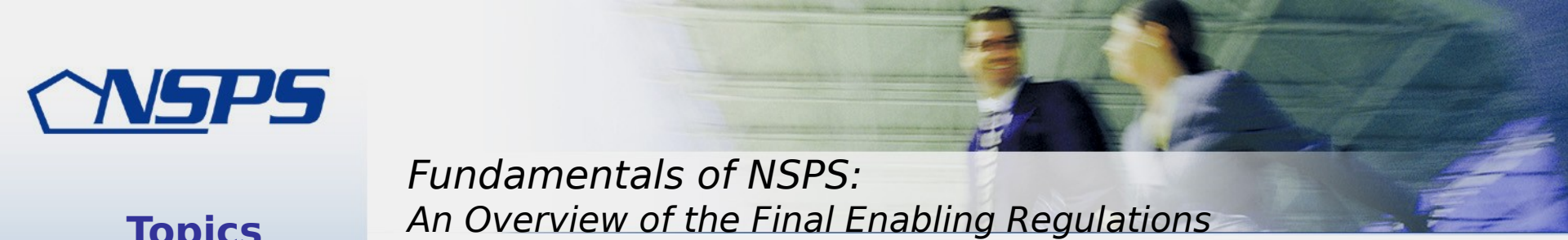

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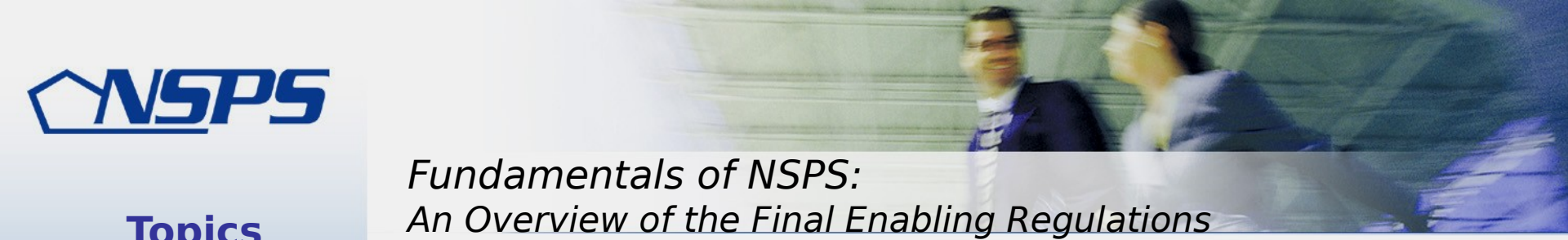
Bar on Collective Bargaining (9901.305)

Any pay program established according to this subpart is not subject to collective bargaining. This bar on collective bargaining applies to all aspects of the pay program, including but not limited to:

- Coverage decisions
- The design of pay structures
- The setting and adjustment of pay levels
- Pay administration rules and policies
- Administrative procedures and arrangements



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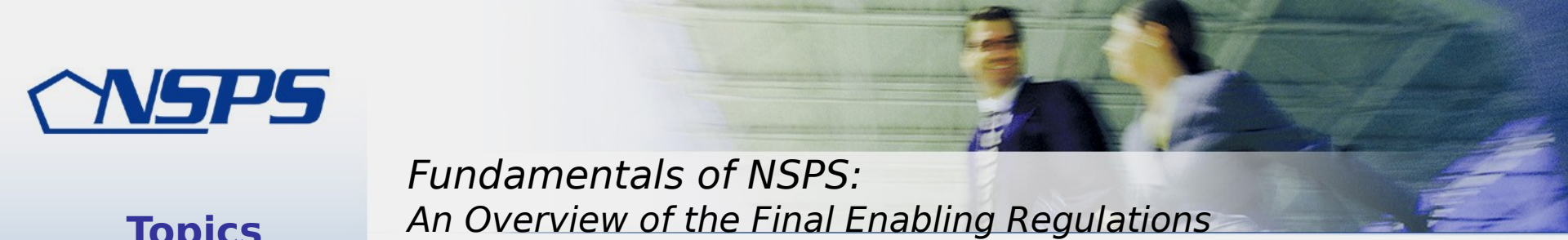
Major Features of the Pay System (9901.311)

Through implementing issuances, the Secretary will establish policies for:

- Determining the rate range minimum and maximum for pay bands.
- Adjusting rate ranges based on mission requirements, labor market conditions, and other factors.
- Setting and adjusting local market supplements based on local labor market conditions and other factors.

The issuances will also cover policies for pay setting, pay administration, performance payouts, and premium pay.



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Maximum Rates

(9901.312)

The Secretary will establish maximum rates for basic pay and aggregate pay.

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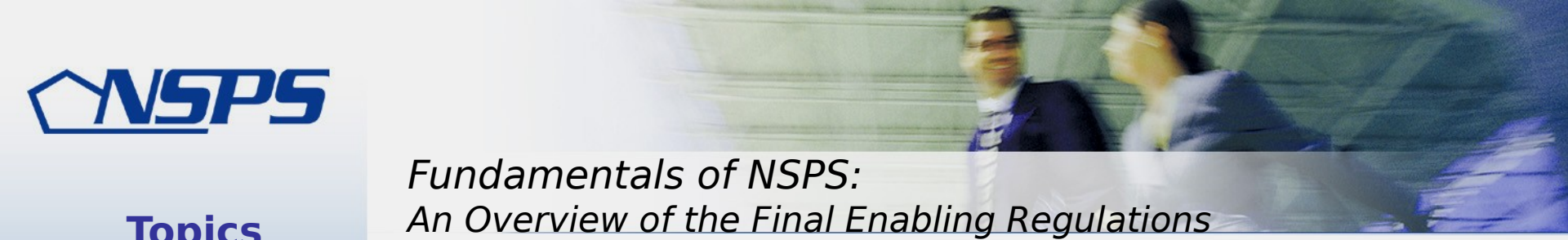

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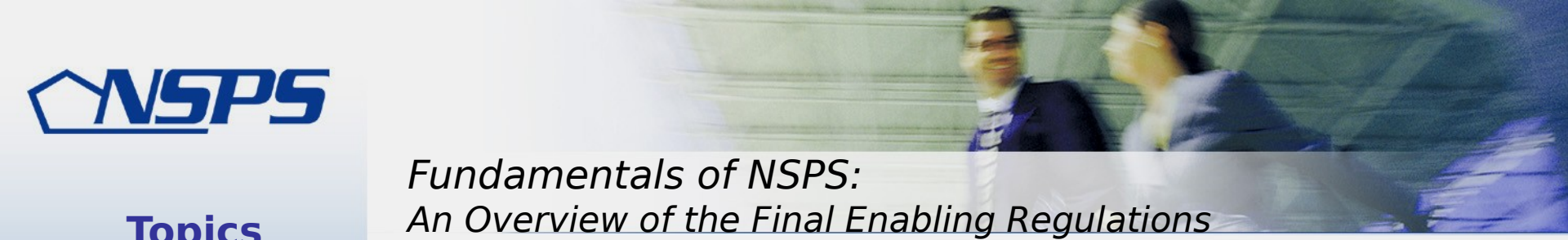
National Security Compensation Comparability (9901.313)

To the maximum extent practicable for FY 2004 through 2008, the overall amount allocated for compensation for NSPS employees will not be less than would have been allocated had they not been converted to NSPS. The enabling regulation protects pay for employees overall (aggregate), rather than at the individual or work unit level.

Note: For the purposes of this section, “compensation” means basic pay taking into account any applicable locality payment, special rate supplement, local market supplement, or similar payment.



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Setting and Adjusting Rate Ranges (9901.321)

The Secretary has the authority to set minimum and maximum rates of pay for each pay band. The ranges will include consideration of:

- Mission requirements.
- Labor market conditions.
- Availability of funds.
- Pay adjustments authorized for other Federal employees.
- Other relevant factors.

The established pay band ranges will apply in all locations.

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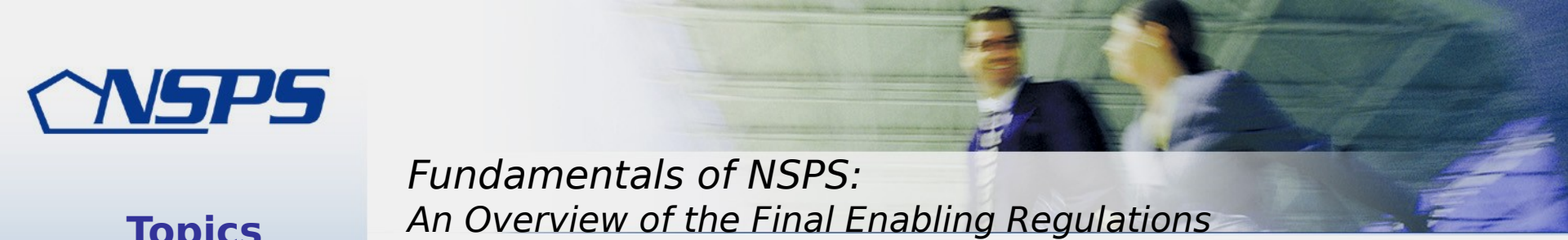

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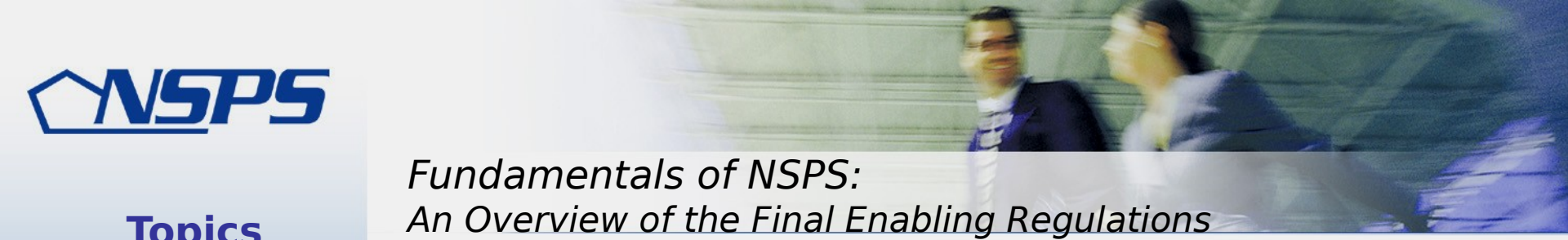
Setting and Adjusting Rate Ranges (9901.322)

The Secretary may set the effective date for rate range adjustments.

Rate range adjustments may be different for different pay bands. Adjustments to the minimum rate and maximum rate may be different (for example, raise the minimum rate by one percent and the maximum by three percent). Rate ranges will be reviewed for possible adjustment at least annually.



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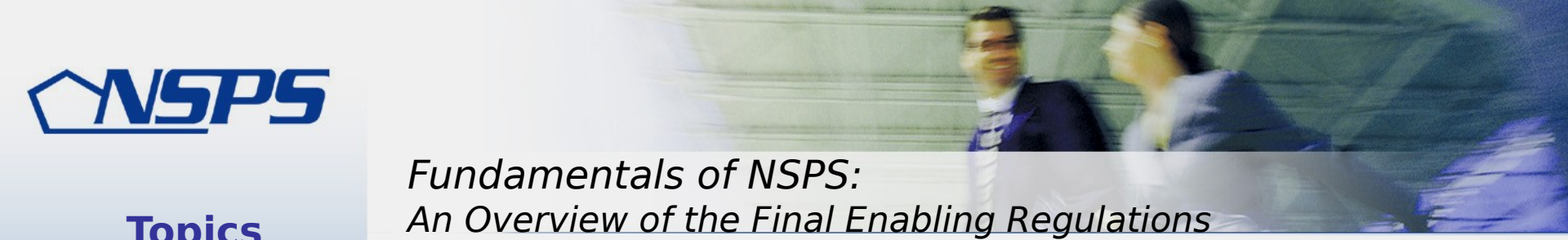
Eligibility for Pay Increase Associated with a Rate Range Adjustment (9901.323)

Employees with a current rating of record above the unacceptable level and employees who do not have a current rating of record for the most recently completed appraisal period will receive an annual basic pay increase equal to the percentage increase in the minimum rate of their band. Employees with a performance rating of unacceptable will not receive this adjustment. Employees receiving a retained rate will not receive this adjustment.



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Local Market Supplements (9901.331 and 9901.332)

The Secretary may establish local market supplements (in addition to basic pay) that apply to specified local market areas. The local market supplement authority replaces the GS locality pay and special rate authorities.

The Secretary may establish standard or targeted local market supplements (LMS):

- A standard LMS applies to employees in a given pay schedule or pay band who are stationed within a local market area.
- A targeted LMS applies to a specified category of employees (such as those in a particular occupation and pay band) in a particular location. A targeted LMS may be established to address recruitment or retention difficulties or for other appropriate reasons.

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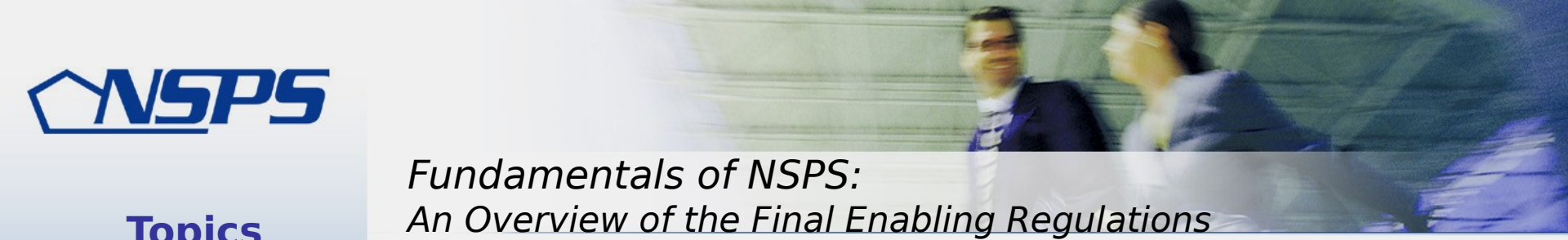

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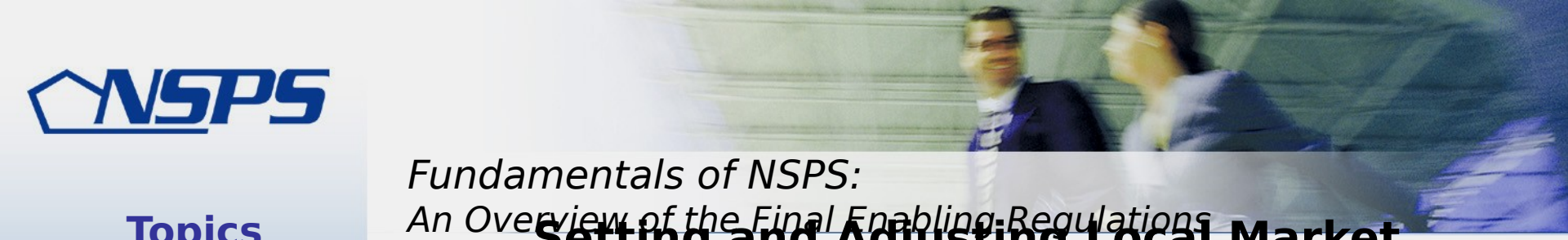
Local Market Supplements (continued) (9901.331 and 9901.332)

Similar to GS locality pay, local market supplements are considered basic pay for various purposes, such as retirement, life insurance, premium pay, severance pay, cost-of-living allowances and post differential, overseas allowances and differentials, recruitment, relocation, retention incentives, supervisory differentials, extended assignment incentives, lump-sum payments for accumulated and accrued annual leave, and other purposes as authorized in issuances.



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Setting and Adjusting Local Market Supplements (9901.333)

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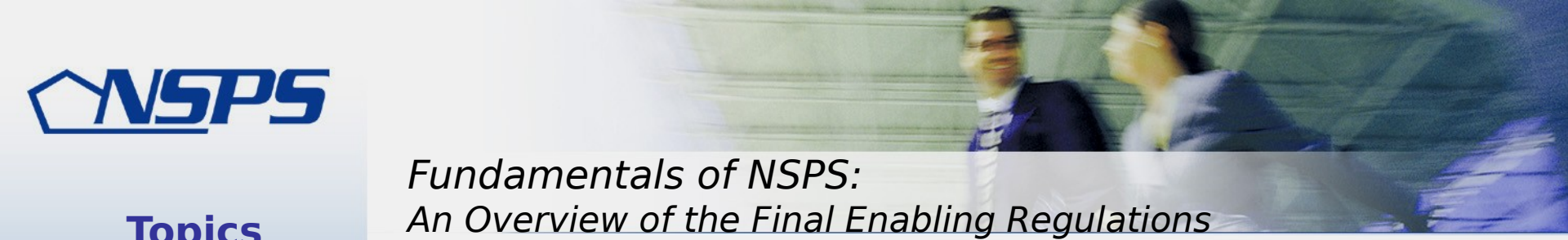
The Secretary has the authority to set and adjust local market supplements. Setting and adjusting the supplements will include consideration of:

- Mission requirements.
- Labor market conditions.
- Availability of funds.
- Adjustments received by employees of other Federal agencies.
- Other relevant factors.



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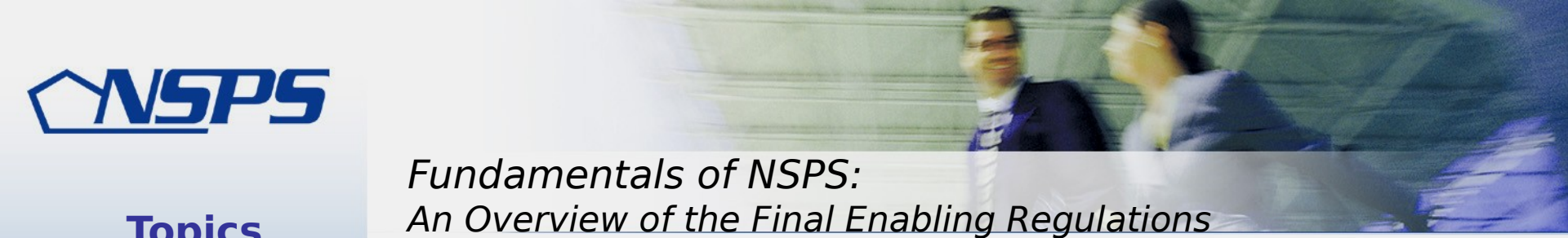
Eligibility for Pay Increase Associated with a Supplement Adjustment (9901.334)

Employees with a current rating of record above the unacceptable level and employees who do not have a current rating of record for the most recently completed appraisal period will receive local market supplement adjustments. This includes employees receiving a retained rate. Employees with a current rating of record of unacceptable will not receive a pay increase.



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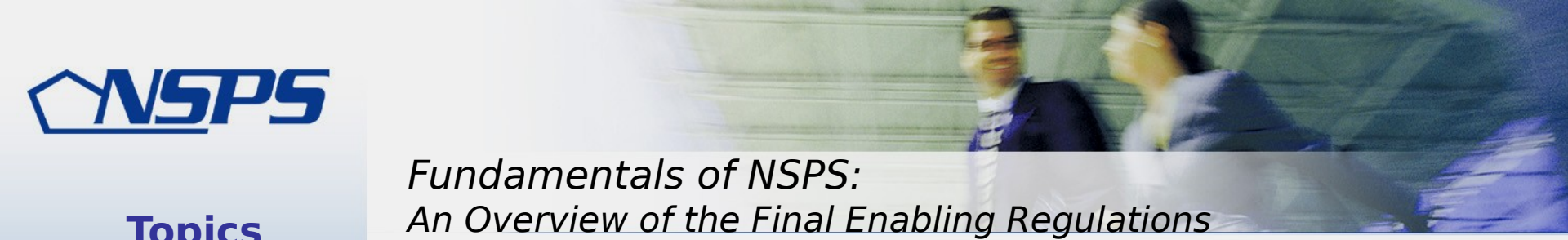
Performance-Based Pay—General (9901.341)

Through NSPS, the Secretary will gain the flexibility to allocate available funds to employees based on individual performance or contribution, or team or organizational performance. The goal is to foster a high-performance culture that supports mission accomplishment.



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Performance Payouts

(9901.342)

NSPS will establish a performance-based system to distribute pay increases and bonuses based on individual performance, contribution, team or organizational performance, or a combination of those elements.

An employee's rating of record for the appraisal period will be used as the basis for his or her performance payout.

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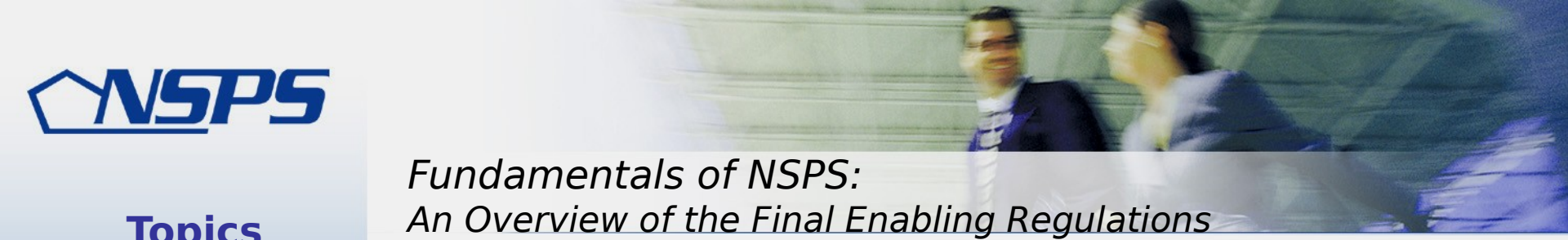

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Performance Payouts (continued)

(9901.342)

NSPS will use a pay pool concept to determine performance payouts, which will be in the form of performance shares (units of pay pool funds), expressed as salary increases, bonuses, or both. Pay pools will be managed by a pay pool manager and/or pay pool panel. The responsibilities of pay pool managers and pay pool panels will include the review of proposed rating and share assignments to ensure that employees are treated fairly and consistently and in accordance with the merit system principles.

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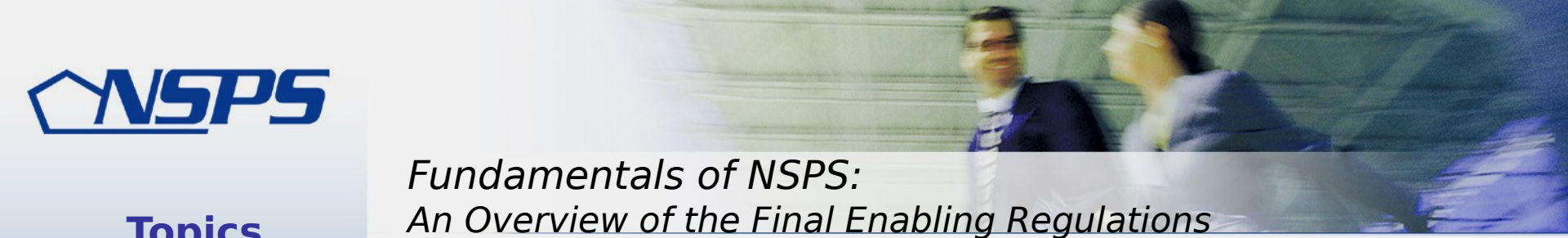

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Performance Payouts (continued)

(9901.342)

Performance shares will be used to determine pay increases and/or bonuses. Employees with unacceptable rating of record will be assigned zero shares. Where the Secretary establishes a range of shares for a rating of record level, implementing issuances will provide guidance on the use of share ranges.

DoD organizations must inform employees of the factors that may be considered in making specific share assignments at least 90 days prior to the end of the appraisal period. Pay pool managers or pay pool panels will review proposed share assignments to ensure that factors are applied consistently across the pay pool and in accordance with the merit system principles.

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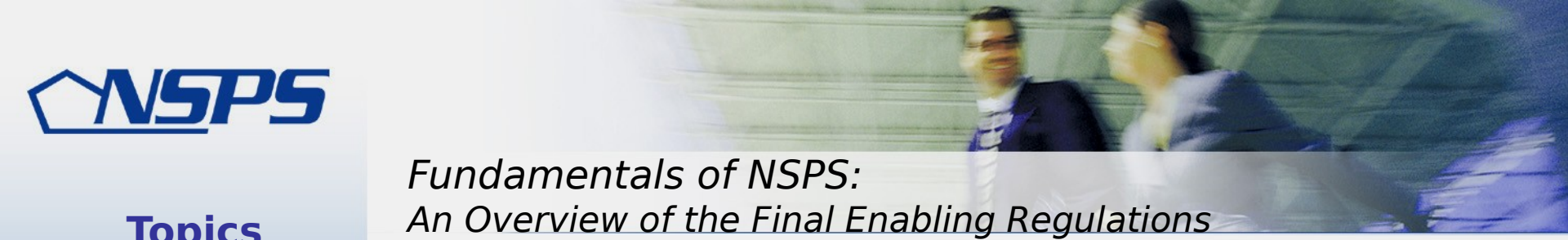

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Performance Payouts (continued)

(9901.342)

The performance payout is a function of the amount of money in the performance pay pool and the number of shares assigned within the pay pool. An individual employee's payout is based on the number of shares assigned and the current salary of the employee. Policies and procedures regarding pay pools and funding will be set through implementing issuances. The Secretary will determine a percentage of pay to be included in pay pool funds (to be paid out in basic pay increases and/or bonuses).

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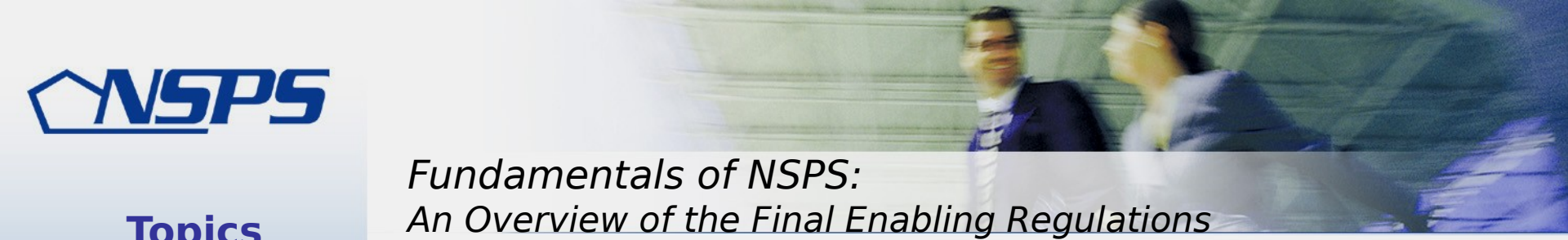

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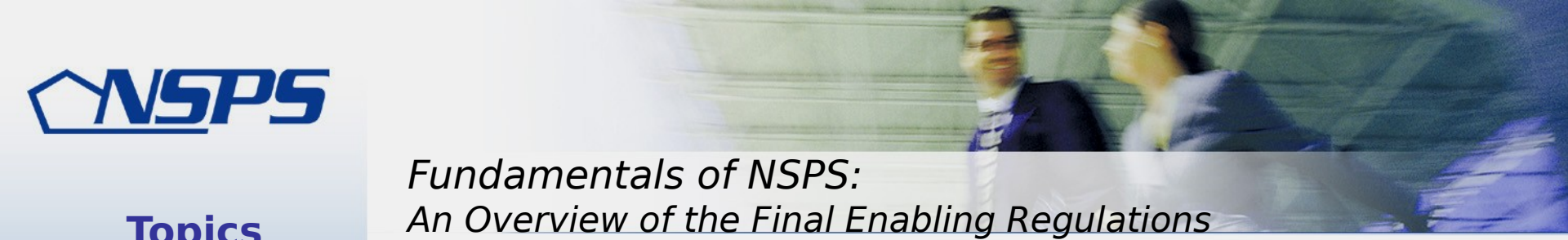
Performance Payouts (continued)

(9901.342)

Increases to basic pay may not cause the basic pay of an employee to exceed the maximum of his or her pay band. The Secretary may establish “control points” within a band that limit increases in the rate of basic pay.

The Secretary will set procedures for specially-situated employees, including new hires, employees in leave without pay status, those returning from military duty, employees returning to duty from workers’ compensation status, and employees in developmental positions.



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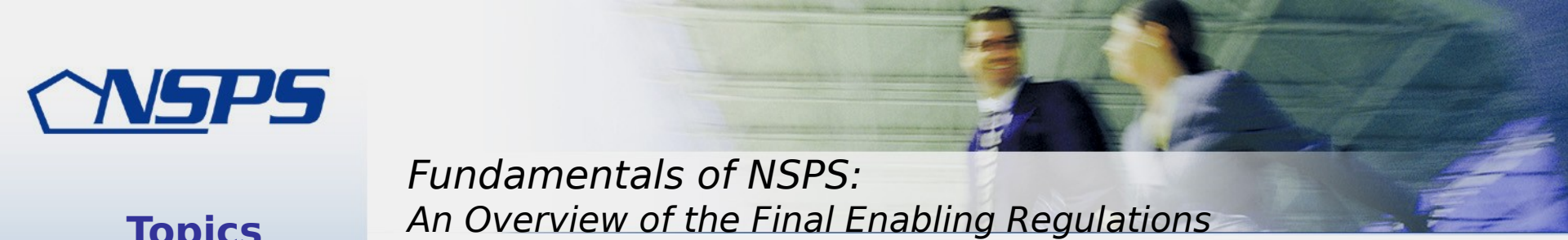
Pay Reduction Based on Unacceptable Performance and/or Conduct (9901.343)

An employee's basic rate of pay may be reduced no more than once in a 12-month period based on a determination of unacceptable performance, conduct, or both. Reductions in pay may not exceed 10% of an employee's basic salary, unless a larger reduction is necessary to set the pay at the maximum rate of a lower band.



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Other Performance Payments

(9901.344)

DoD may reward employees or groups of employees through other types of payments to recognize extraordinary team, organizational and/or individual performance, or other special circumstances. The amount of such payments may not cause the employee's rate of basic pay to exceed the maximum rate of the employee's assigned pay band.

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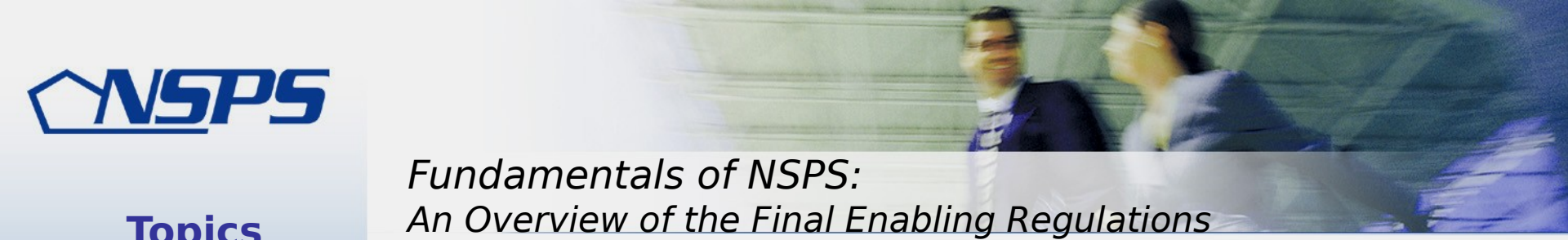

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Other Performance Payments (continued) (9901.344)

Extraordinary Pay Increase—An extraordinary pay increase (EPI) is a payment used to reward employees when the payout formula does not adequately compensate them for their extraordinary performance. It is to be used sparingly and only to reward exceptionally high-performing employees whose performance and contributions to the organization are of an exceedingly high value. The performance must be expected to continue at an extraordinarily high level in the future.

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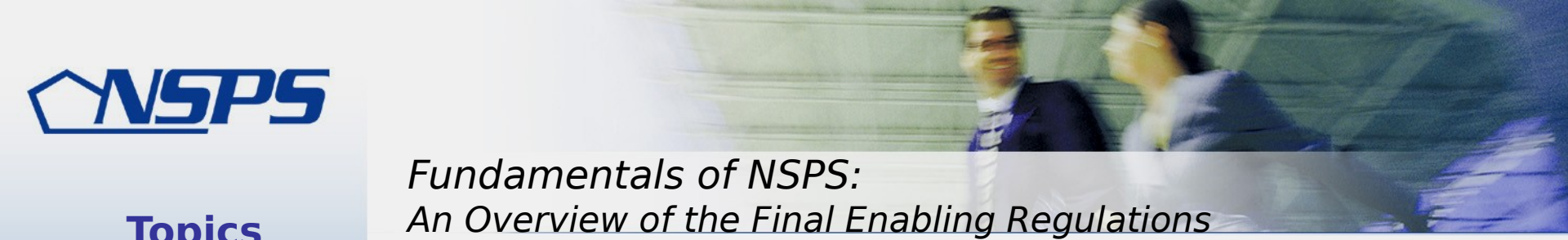

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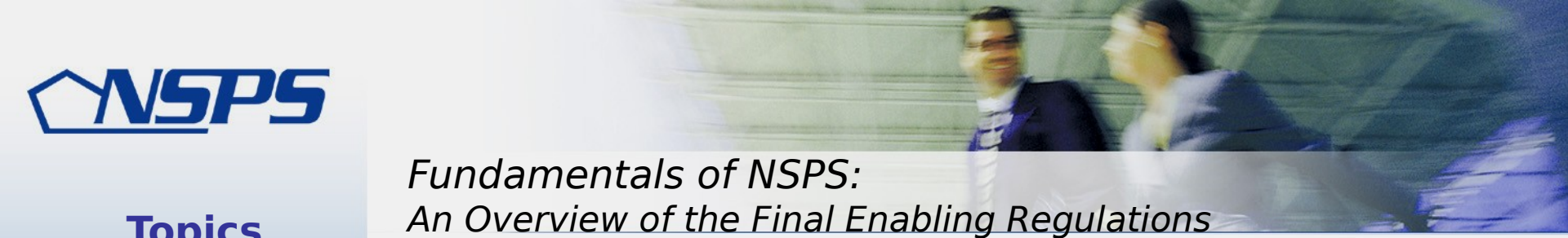
Treatment of Developmental Positions (9901.345)

Implementing issuances will provide guidance on pay increases for developmental positions.

These issuances may require employees to meet standardized assessments or qualifications as part of a formal training or developmental program and may allow for adjustments through the performance payout process.



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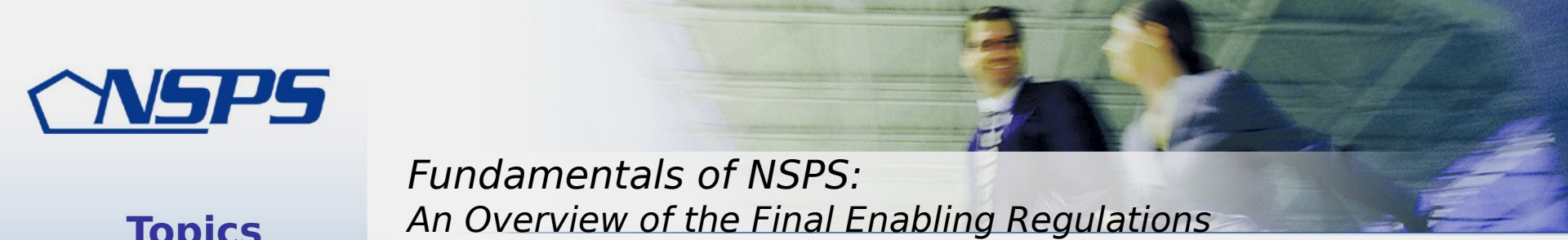
Setting an Employee's Starting Pay (9901.351)

Under NSPS, pay for initial appointment or reappointment may be set anywhere in the rate range for the assigned pay band, subject to implementing issuances.



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Setting Pay Upon Reassignment

(9901.352)

Pay for voluntary or involuntary reassignments may be set anywhere in the rate range for the assigned pay band, subject to implementing issuances. Also, depending on the adverse action procedures in these regulations, implementing issuances, or other appropriate procedures, an employee could be subject to a salary reduction of up to 10 percent. The Secretary will prescribe policies in implementing issuances regarding setting pay for an employee whose pay is reduced involuntarily, but not through adverse action procedures.

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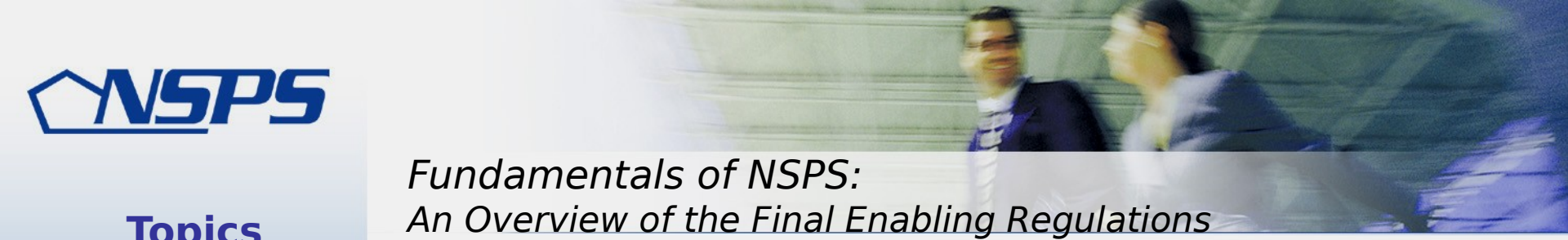

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Setting Pay Upon Reassignment (continued) (9901.352)

For employees who complete a temporary reassignment, or for those who fail to complete an in-service probationary period, basic pay rate will revert to the rate prior to the reassignment or probation, with appropriate adjustments to the employee's basic pay rate for rate range increases or performance payouts that occurred during the time he or she was assigned to the new position. Any resulting reduction in basic pay is not considered an adverse action.

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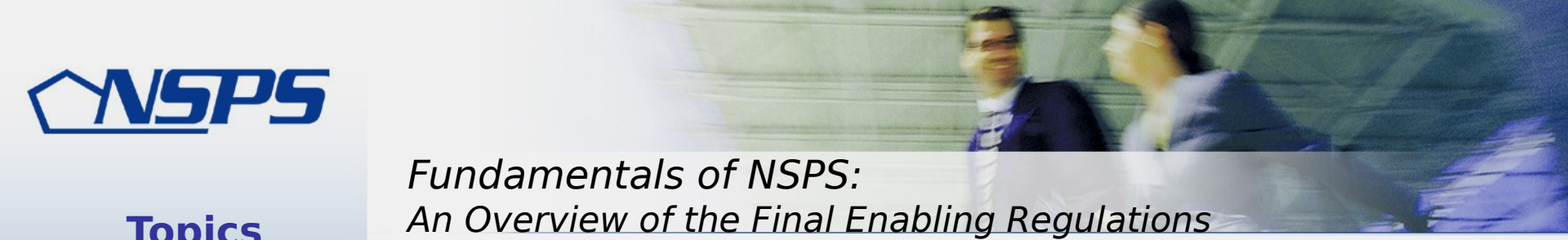

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Setting Pay Upon Promotion

(9901.353)

Unless stated otherwise in the implementing issuances, upon an employee's promotion, the employee will receive an increase in basic pay rate of at least six percent, unless this increase causes the rate to exceed the maximum for the applicable pay band. Also, the employee's basic pay rate upon promotion may not be less than the minimum of the rate range.

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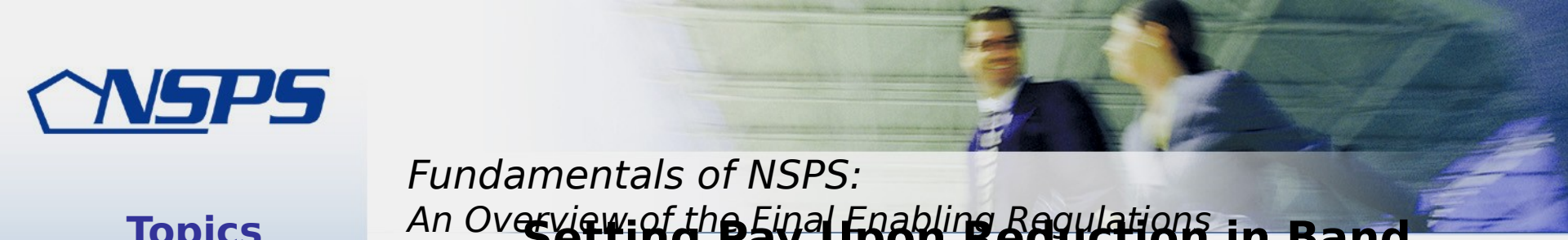
Setting Pay Upon Reduction in Band (9901.354)

Depending on the adverse action procedures in these regulations, implementing issuances, or other appropriate procedures, pay may be set anywhere within the assigned pay band when an employee is reduced in band, either voluntarily or involuntarily. Pay retention rules will apply, when applicable.

For involuntary reductions through adverse action procedures, reductions in pay may not exceed 10 percent of an employee's basic pay unless a greater reduction is necessary to set the pay at the maximum rate of a lower band.



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Setting Pay Upon Reduction in Band (continued) (9901.354)

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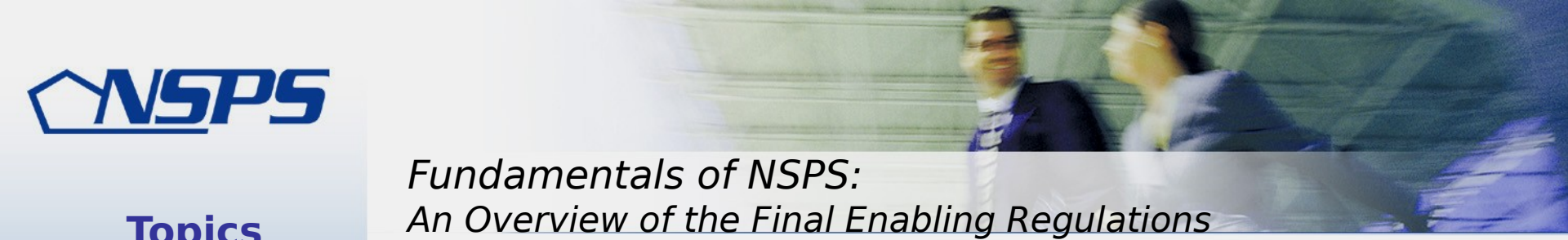
Policies regarding setting pay for an employee who is reduced in band involuntarily, but not through adverse action procedures, will be set forth in the implementing issuances.

For employees who complete a temporary promotion, or for those who fail to complete an in-service probationary period, the basic pay rate will revert to the rate prior to the promotion or probation, with appropriate adjustments to the employee's basic pay rate for rate range increases or performance payouts that occurred during the time he or she was assigned to the new position. Any resulting reduction in basic pay is not considered an adverse action.



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Pay Retention (9901.355)

NSPS will authorize a two-year period of pay retention (preserving an employee's former rate of basic pay that is above his or her assigned pay band) when an employee's pay would otherwise be reduced through no fault of his or her own.

While an employee is on pay retention:

- Performance payouts will be in the form of bonuses rather than salary adjustments.
- He or she will not be entitled to receive minimum rate range adjustments.
- He or she will receive applicable local market supplement adjustments, provided performance is not unacceptable.
- Implementing issuances will prescribe events when pay retention will apply and circumstances resulting in termination of pay retention.

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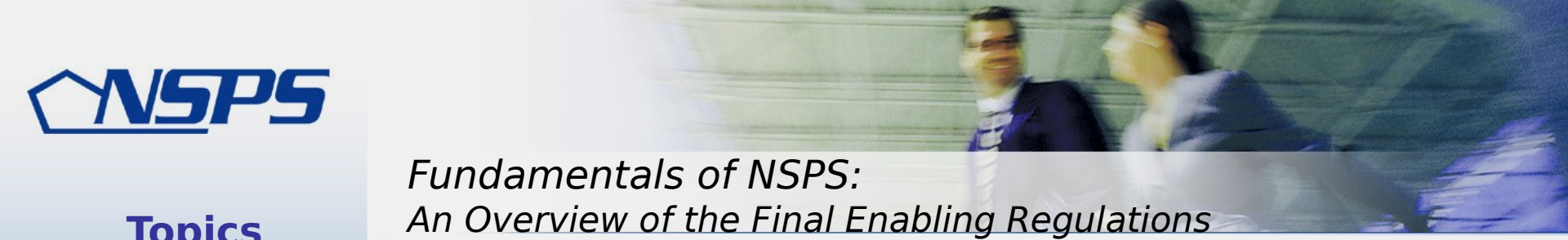

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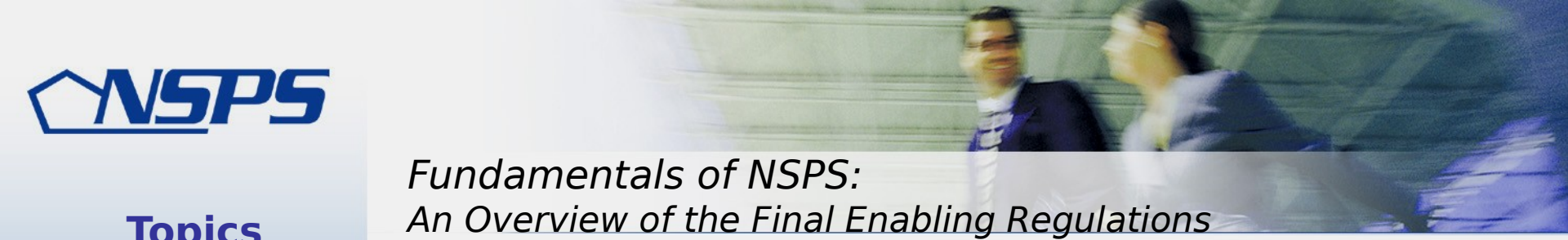
Miscellaneous Pay Administration (9901.356)

Except for employees with an unacceptable rating, employee salaries cannot be less than the minimum rate of the assigned pay band. Except for instances of pay retention, employee salaries cannot exceed the maximum rate of the assigned pay band.

The Secretary will follow applicable pay period and pay rate computation rules in sections 5504 and 5505 of title 5 U.S.C.



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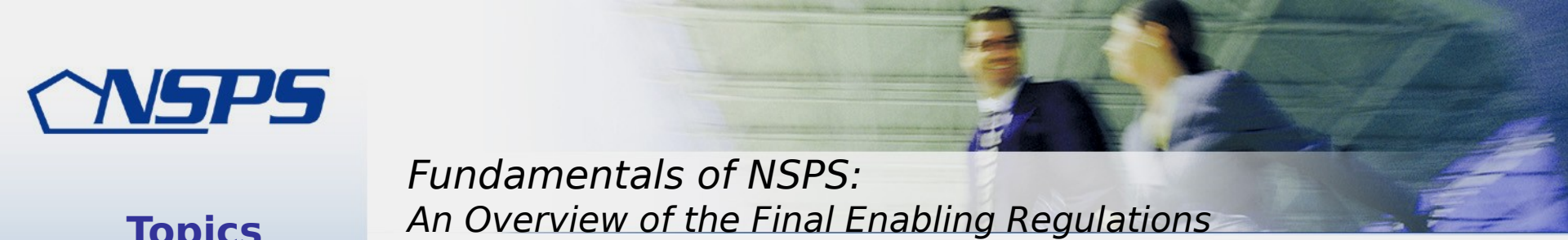
Premium Pay—General

(9901.361)

These regulations enable the Secretary to establish rules that change premium pay (for example, overtime rates; compensatory time off; Sunday, holiday, standby, irregular, and hazardous duty pay). The changes will be detailed in implementing issuances.



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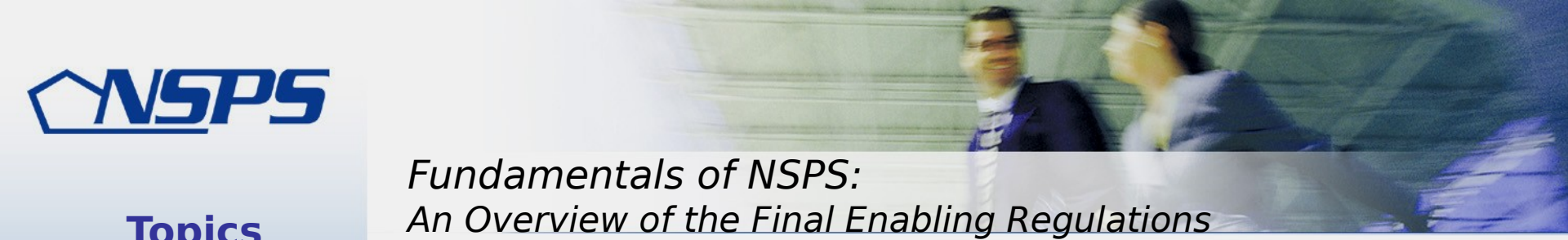
Conversion Principles—General (9901.371)

Implementing issuances will prescribe policies and procedures for converting employees to NSPS.



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Creating Initial Pay Ranges

(9901.372)

DoD will set the initial band rate ranges for the NSPS pay system. The initial rate ranges may link directly to title 5 pay systems. NSPS will also account for locality payments by incorporating the local market supplement (see 9901.332).

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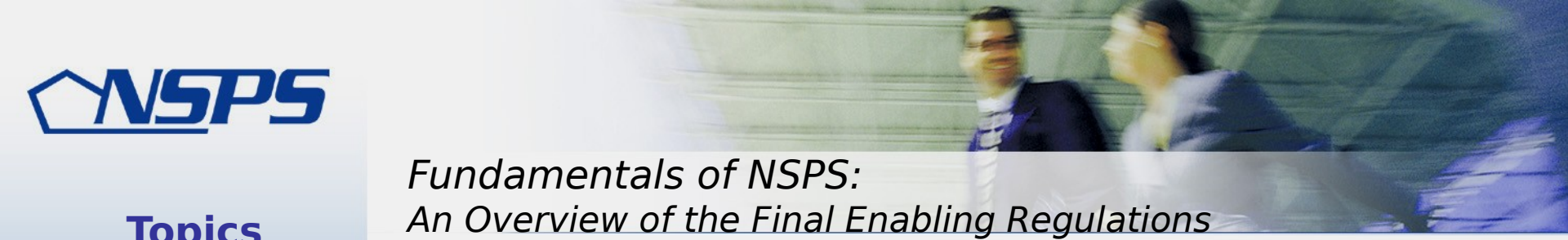

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Conversion of Employees to the NSPS Pay System (9901.373)

No reduction in an employee's basic pay rate (including locality pay) will occur as a result of NSPS conversion.

Employees receiving special rates under current law will be converted to an equal rate of pay consisting of basic pay and a local market supplement. This is not considered an adverse action (based on a reduction in basic pay, as the total rate of pay will not change).

Employees temporarily promoted before the conversion will return to their official position prior to the change. Temporary promotions made after the conversion are subject to the new NSPS system.

The Secretary may make one-time pay adjustments for employees upon their conversion to NSPS, called a WGI (Within-Grade-Increase) buy-in. The implementing issuances will describe the aspects of the WGI buy-in.

Pay and Pay Administration—Knowledge Check 1

Click the appropriate answer.

If a maximum of a rate range is increased, then the minimum of the rate range must increase the same amount.

a) True

b) False

Pay and Pay Administration—Knowledge Check 2

Click the appropriate answer.

Employees who are performing at an unacceptable level will not be eligible for local market supplement adjustments.

a) True

b) False

Pay and Pay Administration—Knowledge Check 3

Click the appropriate answer.

NSPS emphasizes that pay raises and bonuses should be awarded to employees based on all of the following criteria except:

a) Individual performance.
b) Contribution to the DoD mission.
c) Length of service.
d) Organizational performance.

Pay and Pay Administration—Knowledge Check 4

Click the appropriate answer.

An employee will not lose pay as a result of the conversion to NSPS.

a) True

b) False

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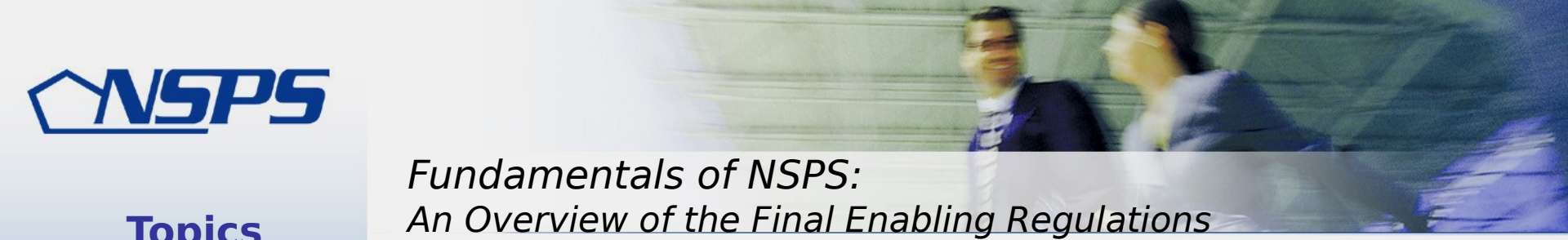
Performance Management

The final regulations contain the following sections.

Select one for more information.

- Purpose
- Coverage
- Waivers
- Performance Management System Requirements
- Setting and Communicating Performance Expectations
- Monitoring Performance and Providing Feedback
- Developing Performance and Addressing Poor Performance
- Rating and Rewarding Performance



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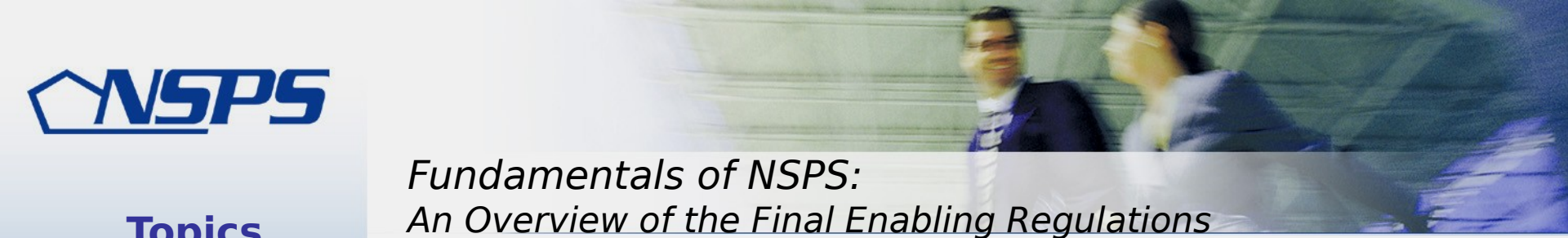
Purpose

(9901.401)

The NSPS performance management system will promote a high performance culture in DoD. It will include the following elements:

- Adherence to merit principles
- Fair, credible, and transparent appraisal system
- Link between performance management system and DoD's strategic plan
- Means for ensuring employee involvement in the design and implementation of the system
- Adequate training for supervisors, managers, and employees
- Process for ongoing performance feedback and dialogue among employees, supervisors, and managers throughout the appraisal cycle
- Safeguards to ensure that the system is fair and equitable
- Pay-for-performance creates a stronger link between individual pay and performance.



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Coverage (9901.402)

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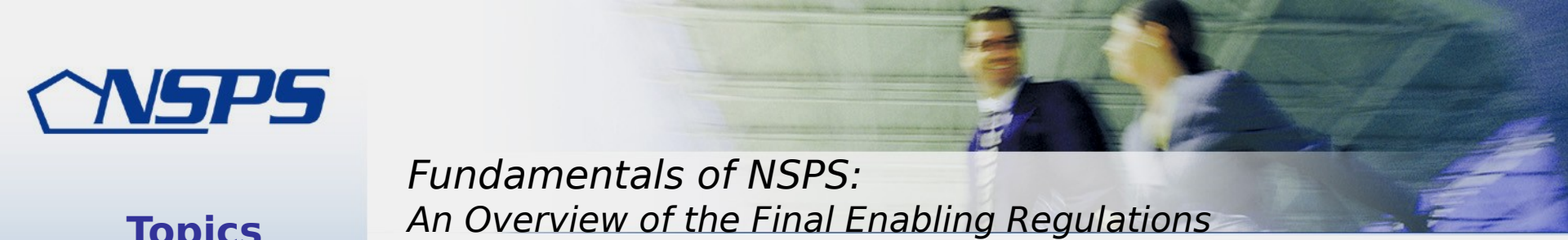
The NSPS performance management system covers:

- Employees and positions who would otherwise be covered by chapter 43 of title 5.
- Employees and positions who were excluded from chapter 43 by OPM prior to the date of coverage of these regulations.
- Others designated by the Secretary.

This part of the NSPS regulations does not apply to employees who have not been, or are expected to be, employed in an NSPS position for less than a minimum period during a single 12-month period. The regulations also (include a provision to) allow the Secretary to exercise other, non-title 5 authorities to provide coverage under this system.



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Waivers

(9901.403)

The provisions under chapter 43 of title 5 U.S.C. are waived for employees covered by the NSPS performance management system.

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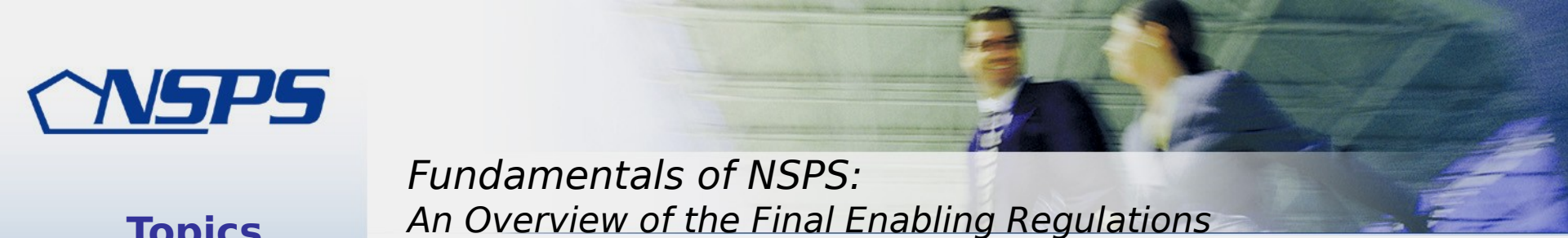
Performance Management System Requirements (continued) (9901.405)

Under this system, managers will be responsible for:

- Clearly communicating performance expectations and holding employees accountable.
- Making meaningful distinctions among employees based on performance and contribution.
- Fostering and rewarding excellent performance.
- Addressing poor performance.
- Ensuring that employees are assigned a rating of record when required by implementing issuances.



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Setting and Communicating Performance Expectations

(9901.406)

As part of NSPS, supervisors will involve employees in expectation development to the maximum extent practicable. This involvement will help employees understand the goals of the organization and the actions and tasks required to achieve those goals. Final decisions regarding performance expectations are within the sole discretion of the supervisor. Performance expectations will support and align with the DoD mission and its strategic goals.
Performance expectations can take the form of:

- Goals or objectives.
- Organizational, occupational, or other work requirements.
- Competencies an employee is expected to demonstrate on the job or the contributions an employee is expected to make.

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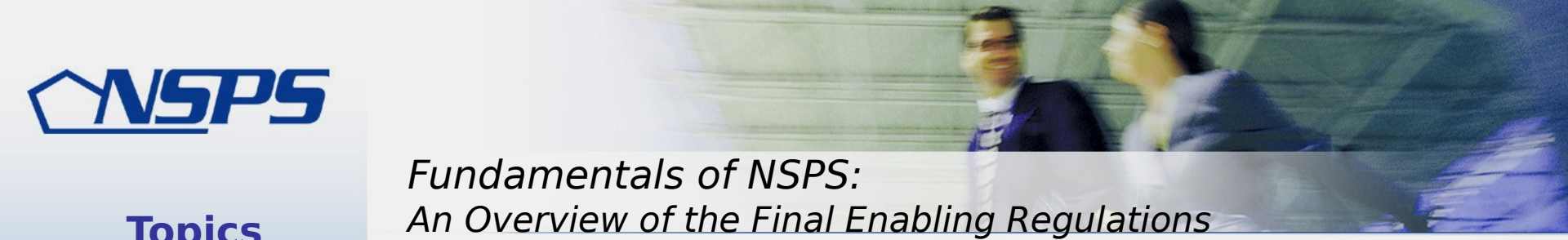

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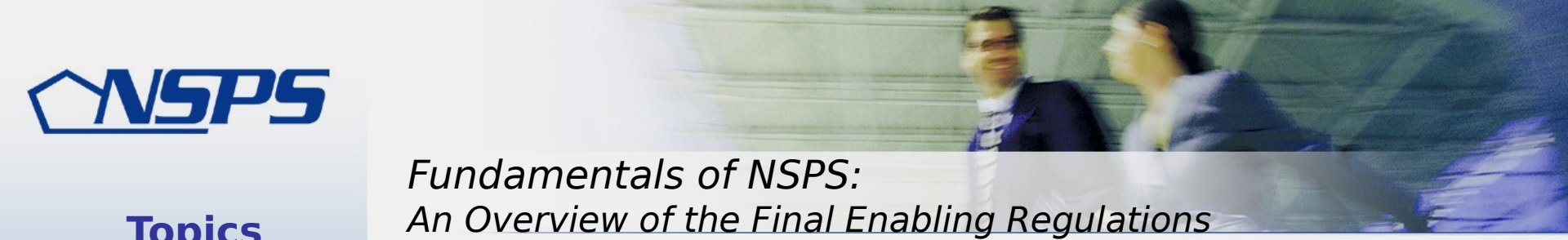
Setting and Communicating Performance Expectations (continued) (9901.406)

Supervisors will communicate expectations to employees in writing prior to holding employees accountable for those expectations.
Communicated performance expectations may be amplified through particular work assignments or other instructions. These may specify the quality, quantity, accuracy, timeliness, or other expected characteristics of the completed assignment. Such assignments and instructions need not be written.
For supervisors and managers, performance expectations will include assessments and measurements of how well they plan, monitor, develop, correct, and assess subordinate employees' performance.



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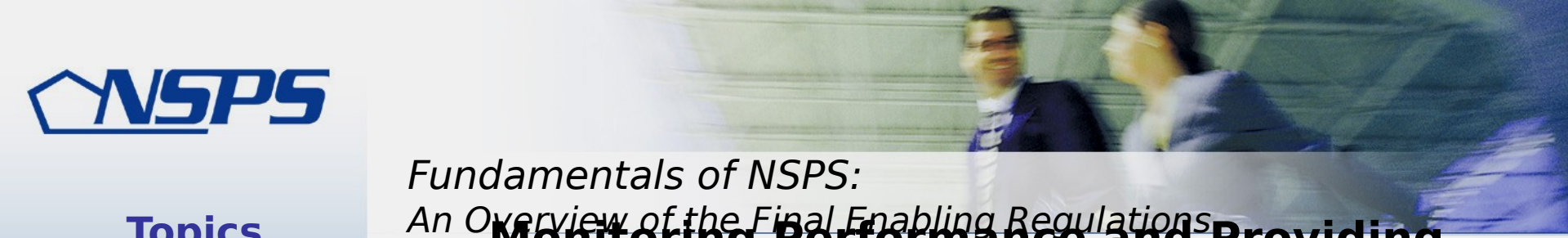
Setting and Communicating Performance Expectations (continued) (9901.406)

The regulations provide for consideration of employee behavior as a performance factor, element, or objective, such as “teamwork/cooperation.” Under this system, managers will be responsible for clearly setting behavioral expectations throughout the performance period.

Employees at all levels will be responsible for adhering to these behavioral expectations, and as always, are accountable for demonstrating professionalism and standards of appropriate conduct and behavior.



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Monitoring Performance and Providing Feedback (9901.407)

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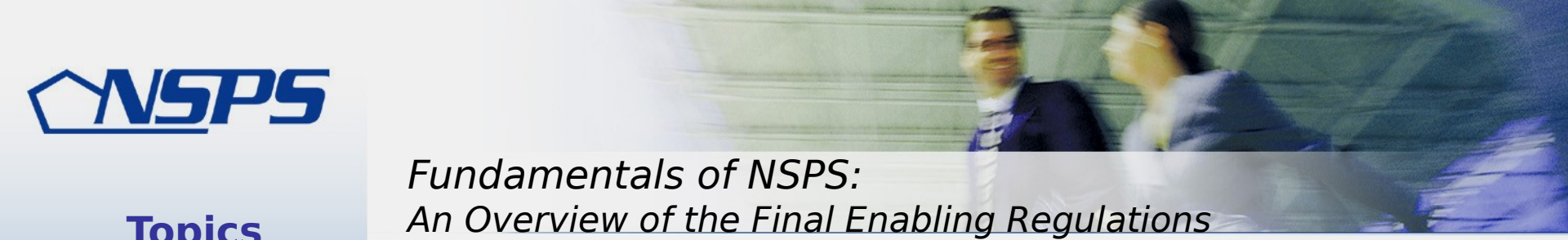
In applying the new performance system and implementing issuances, supervisors will be responsible for:

- Monitoring the performance of employees and their contributions to the organization.
- Providing ongoing (that is regular and timely) feedback to employees about their performance with respect to supervisors' expectations. One or more interim performance review(s) will occur during each appraisal period.



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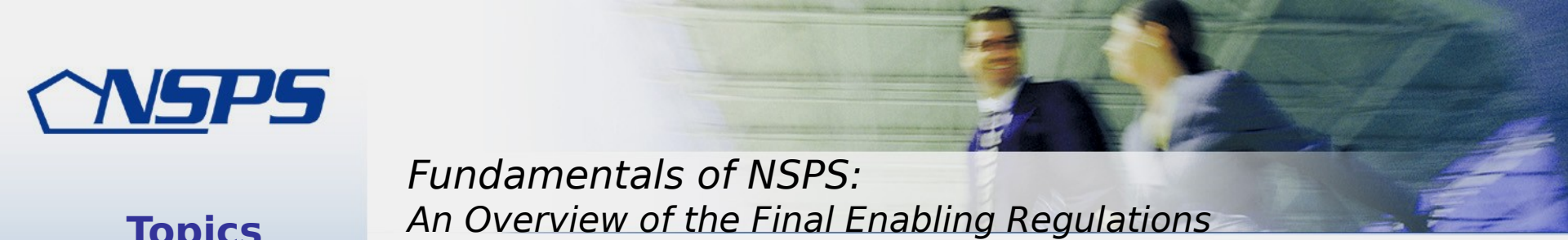
Developing Performance and Addressing Poor Performance (9901.408)

Implementing issuances will prescribe procedures that supervisors will use to develop performance and to address poor performance.

If at any time a supervisor determines an employee's performance is unacceptable, the supervisor will consider a range of options available to address the performance deficiency (such as remedial training, a reassignment, an oral warning, or an adverse action) and take appropriate action to address the deficiency.

Employees may seek review of adverse actions based on unacceptable performance through grievance or appeal procedures, as appropriate.



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Rating and Rewarding Performance (9901.409)

The NSPS performance management system, as established in implementing issuances, will include a multi-level rating system.

Under NSPS, DoD will use performance ratings to determine performance payouts, reduction in force (RIF) retention standing, and other appropriate actions.

Ratings will be considered final and official when issued to the employee with all appropriate signatures and reviews. Rating officials will communicate the rating and number of shares earned to the employee prior to the payout. (continued)

Rating and Rewarding Performance (continued) (9901.409)

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Employees will be able to challenge rating determinations through an administrative reconsideration or negotiated grievance process (to be specified in implementing issuances). Individuals reviewing ratings under negotiated grievance procedures may not:

- Conduct independent evaluations of the employee's performance.
- Determine the appropriate share payout.
- Substitute their judgment for that of the rating official.

Payout or share determinations are not subject to the reconsideration or grievance processes.

Performance Management—Knowledge Check 1

Click the appropriate answer.

Under the new performance management system, which of the following are managers NOT responsible for?

a) Clearly communicating performance expectations and holding employees accountable

b) Making meaningful distinctions among employees based on performance and contribution

c) Fostering and rewarding excellent performance

d) Creating their own methods of rating

Performance Management—Knowledge Check 2

Who is responsible for setting performance objectives?

a) Employees

b) Managers and supervisors

c) Pay pool managers

d) A & B

e) B & C

Performance Management—Knowledge Check 3

Click the appropriate answer.

In the new system, managers and supervisors will be expected to provide feedback and open dialogue through periodic formal and informal appraisals.

a) True

b) False

Performance Management—Knowledge Check 4

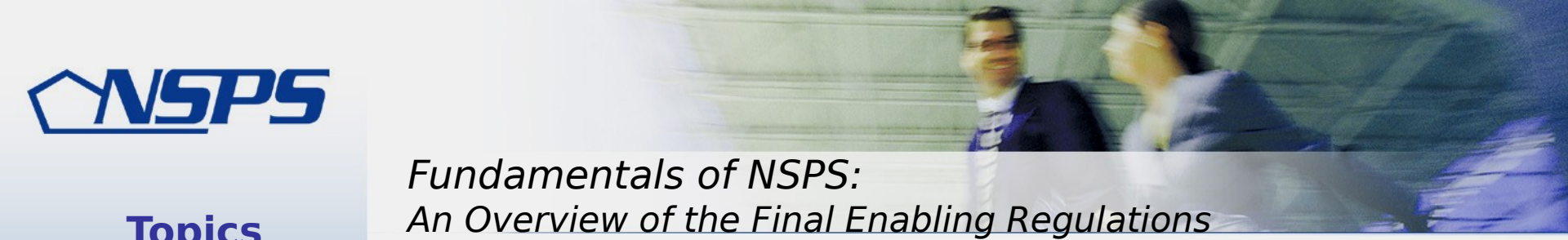
Click the appropriate answer. A contribution is:

a) A work product, service, output, or result provided or produced by an employee or group of employees that supports the organizational mission, goals, or objectives.

b) Accomplishment of work assignments or responsibilities and contribution to achieving organizational goals.

c) A document issued by the Secretary, Deputy Secretary, Principal Staff Assistants, or Secretaries of the Military Departments to carry out a policy or procedure of the Department or Military Department.

d) The measurable or observable knowledge, skill, ability, behavior, or other characteristic that an individual needs to perform a particular job function successfully.



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Select one for more information.

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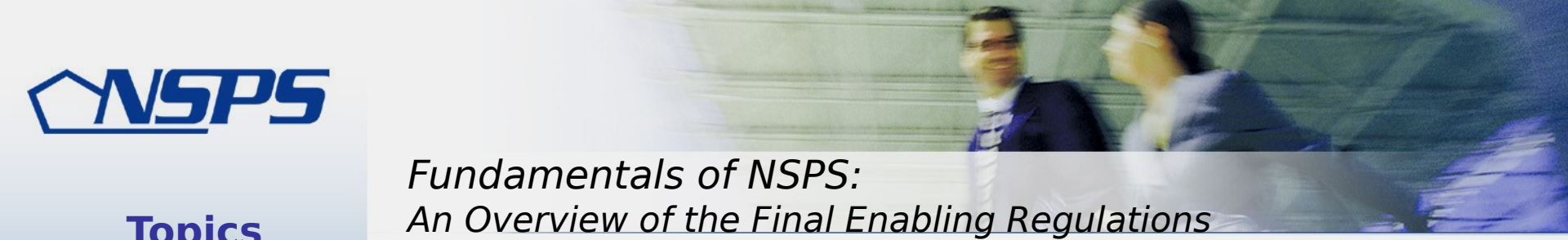
- Appointing Authorities
- Probationary Periods
- Qualification Standards
- Non-Citizen Hiring
- Competitive Examining Procedures
- Internal Placement



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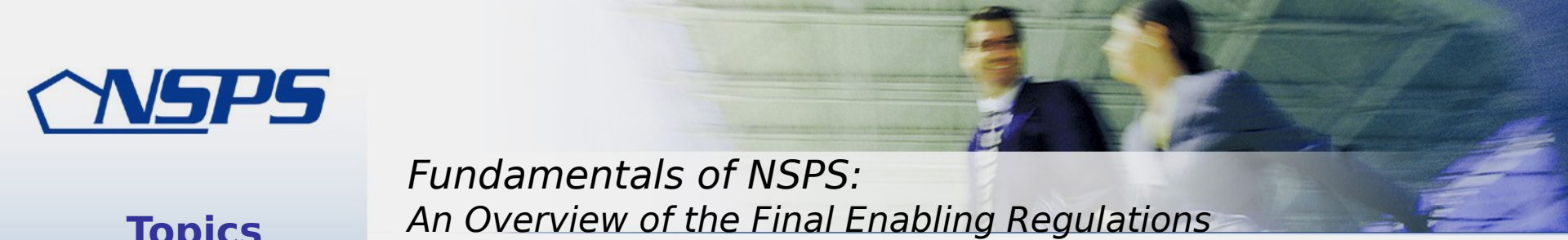
Purpose (continued)

(9901.501)

The staffing and employment sections of the regulations provide the framework for:

- Establishing qualification requirements.
- Recruitment for, and appointment to, positions.
- Assignment, reassignment, detail, transfer, or promotion of employees, consistent with merit principles and veterans' preference.

These sections preserve merit principles and veterans' preference.



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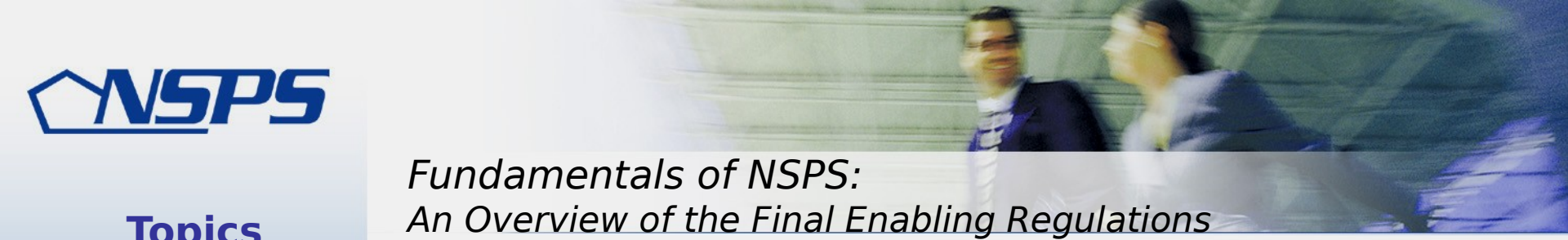
Scope of Authority

(9901.502)

The staffing and employment sections of the regulations modify or replace certain sections of title 5 for specified categories of employees, applicants, and positions. Implementing issuances will provide guidance for carrying out the provisions in these regulations.



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Coverage

(9901.503)

Subject to a determination by the Secretary, the following employees and positions in DoD organizational and functional units are eligible for coverage under the staffing and employment sections of the NSPS regulations:

Employees and positions who would otherwise be covered by 5 U.S.C chapters 31 and 33 (excluding SES).

Such others, designated by the Secretary, as DoD may be authorized to include under 5 U.S.C 9902.

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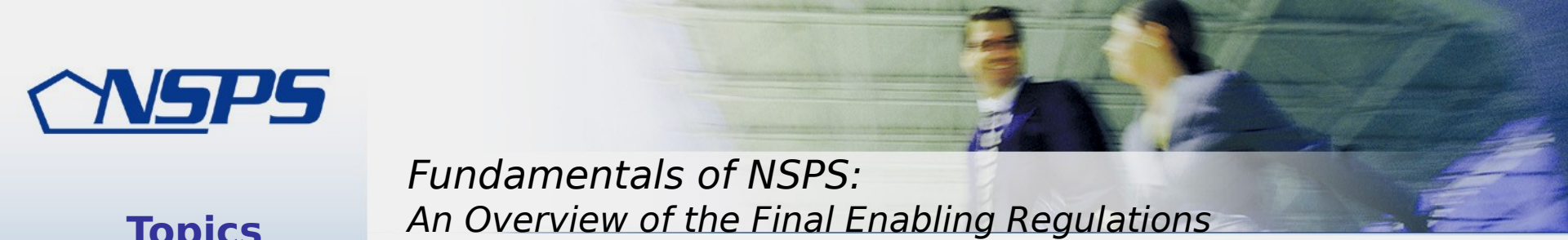

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Appointing Authorities

(9901.511)

Competitive and Excepted Appointing Authorities—The Secretary may continue use of existing appointing authorities established by OPM.

Additional NSPS Appointing Authorities—The Secretary and the Director may jointly establish new excepted or competitive appointing authorities, which include noncompetitive appointments and excepted appointments that may lead to a subsequent noncompetitive appointment to the competitive service. A Federal Register public notice and comment period will precede the establishment of such appointing authorities unless the Secretary determines that a critical mission requirement exists.

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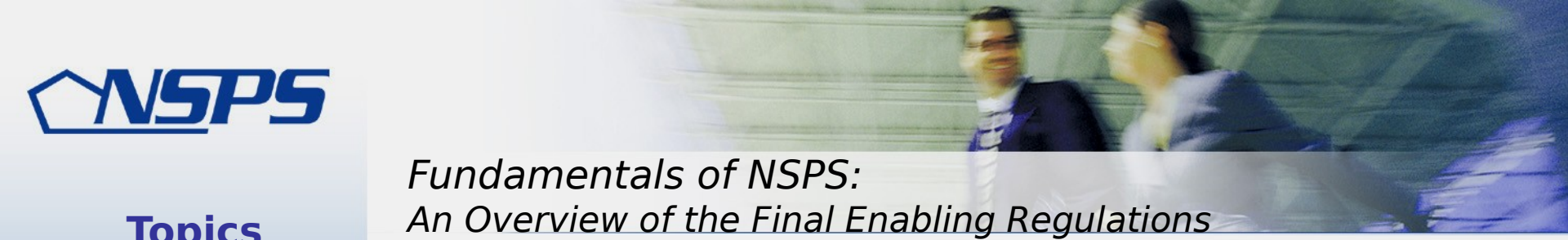

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Appointing Authorities (continued)

(9901.511)

Severe Shortage/Critical Need Hiring Authority—The Secretary may exercise direct hire authority when he or she determines that there is a severe shortage of candidates or a critical hiring need exists.

Time-Limited Appointing Authorities—The Secretary, in coordination with OPM, may prescribe the duration, advertising requirements, examining procedures, and appropriate uses of time-limited appointments. Such procedures will preclude the use of employees on term appointments in positions that should be filled on a permanent basis.

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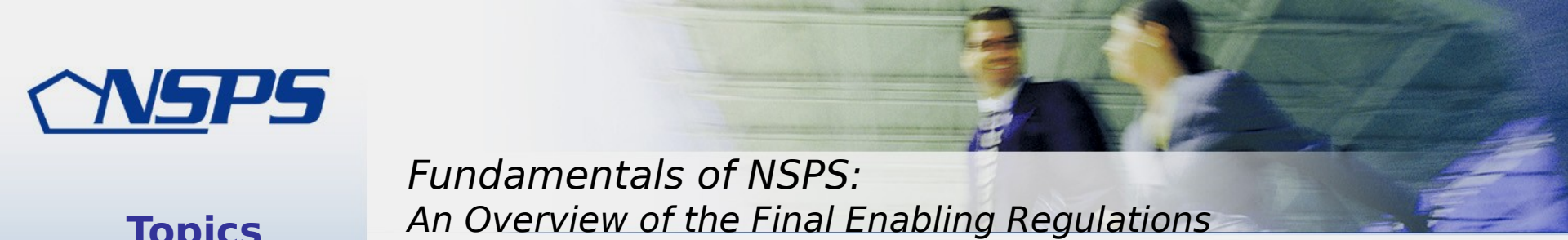

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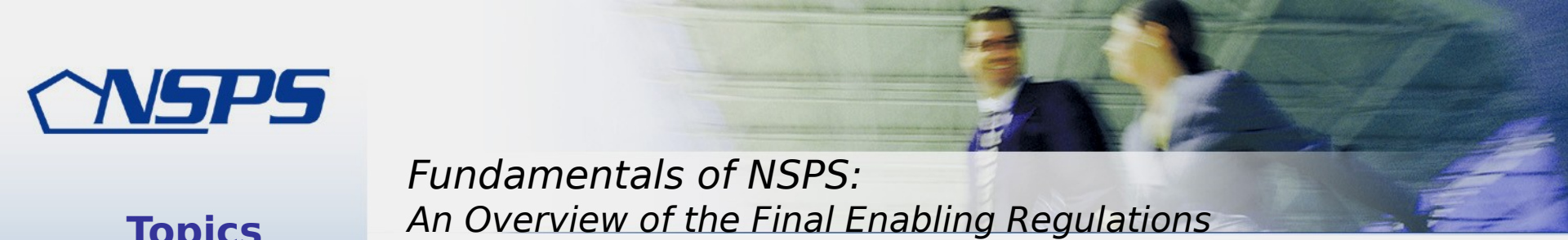
Appointing Authorities (continued)

(9901.511)

The Secretary will prescribe implementing issuances establishing procedures under which a time-limited employee serving in a competitive service position may be converted without further competition to a competitive position in the career service, provided certain conditions are met. Implementing issuances will provide additional guidance and parameters to ensure that these authorities are utilized for specified purposes in accordance with merit system principles and the principles of veterans' preference.

Term employment will not be used for positions that should be filled on a permanent basis; however, term appointments may be used to accomplish permanent work in circumstances where the position cannot be filled permanently (for example, the incumbent will be out of the position for a significant period of time, but is expected to return).



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Probationary Periods

(9901.512)

The Secretary may establish initial probationary periods of at least one year, but no more than three years, and prescribe the conditions for such periods. Initial probationary periods longer than one year will be established by the Secretary. These probationary periods will be applied to categories of positions or types of work that require a longer time period to evaluate the employee's ability to perform the work.

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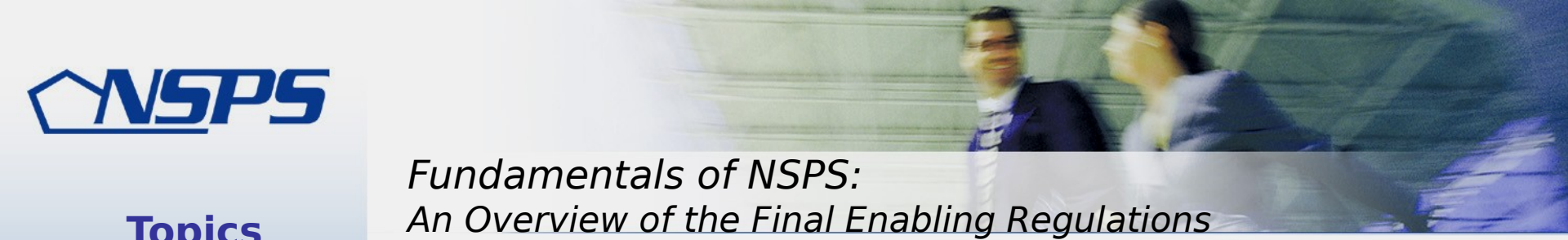

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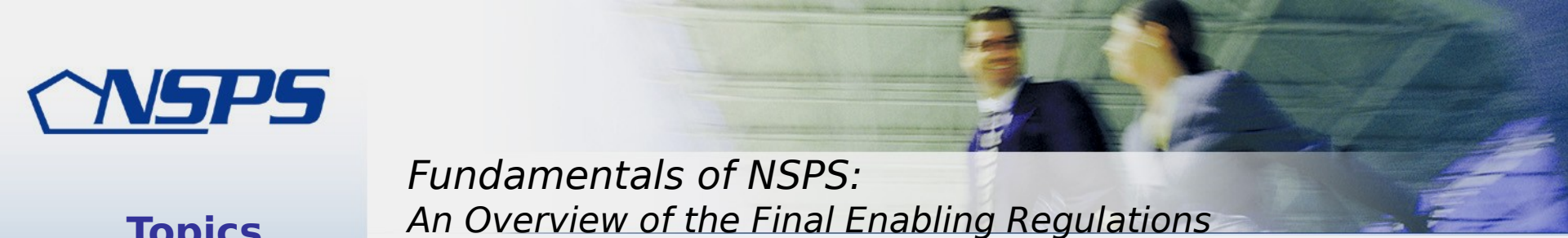
Probationary Periods (continued) (9901.512)

Preference eligibles who complete one year of their probationary period will be covered by the adverse actions and appeals procedures in these regulations.

The Secretary may establish in-service probationary periods and prescribe conditions for such periods. An employee who fails to complete an in-service probationary period (for example, a supervisory probationary period) will be returned to a grade or band no lower than that held before the probationary period and will have his or her pay set in accordance with reassignment or reduction in band procedures.



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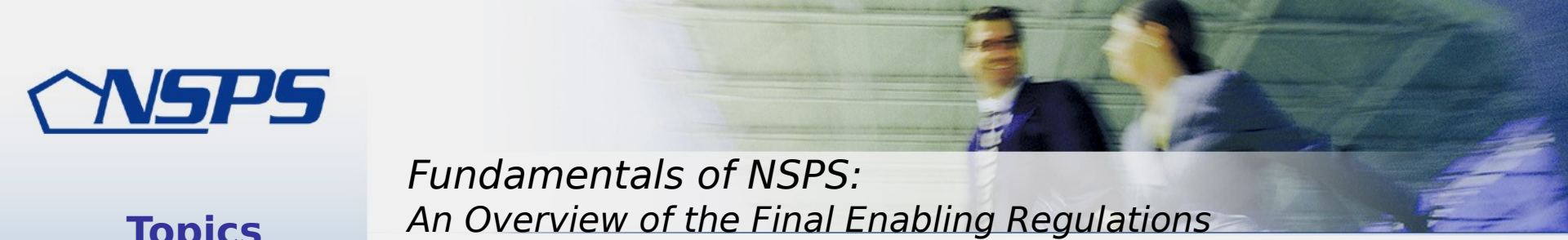
Qualification Standards

(9901.513)

The Secretary may, at his or her discretion, establish qualification standards for NSPS positions (to supplement or replace the OPM qualification standards). The Secretary may continue to use OPM qualification standards.



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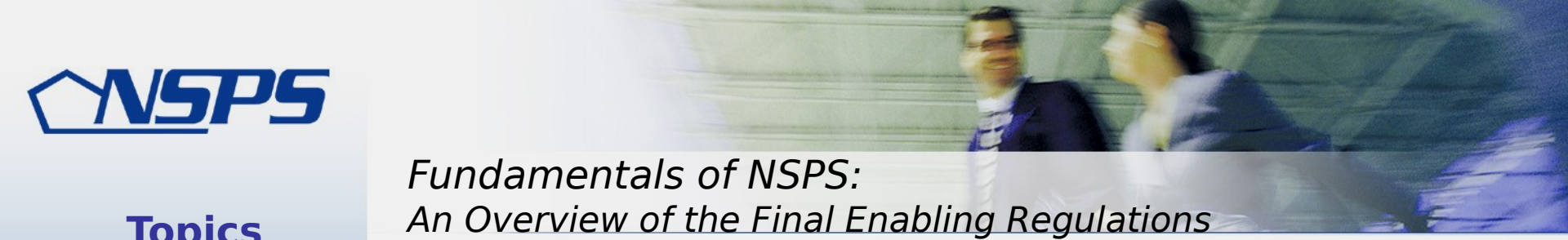
Non-Citizen Hiring

(9901.514)

Procedures for hiring non-citizens into the excepted service (when qualified U.S. citizens are not available) may be prescribed by the Secretary, in accordance with applicable immigration laws and security requirements.



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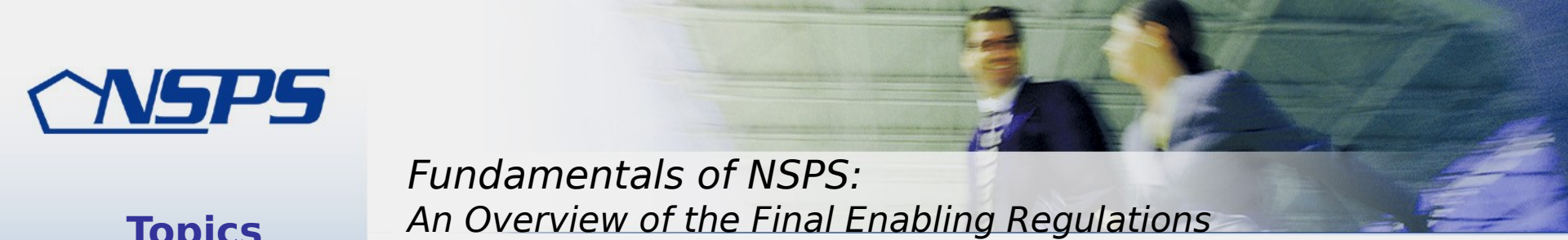
Competitive Examining Procedures (9901.515)

In recruiting applicants from outside the civil service for competitive appointments to competitive service positions, the Secretary will provide public notice for all vacancies in the career service and accept applications from all U.S. citizens; however, applicants from the local commuting area and other targeted recruitment sources specified in the vacancy announcement may receive first consideration.

The Secretary may establish examining procedures for entry into NSPS positions. These procedures will be in accordance with merit system principles and veterans' preference requirements.



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Internal Placement

(9901.516)

The Secretary may prescribe methods for assigning, reassigning, detailing, transferring, and promoting employees into or within NSPS, using competitive procedures and/or non-competitive procedures (with appropriate exceptions), for permanent or time-limited actions.

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Staffing and Employment—Knowledge Check 1

Click the appropriate answer.

The NSPS regulations do not affect which of the following staffing and employment aspects?

a) Employee recruitment
b) Employee retention
c) Veterans' preference
d) Qualification requirements

Staffing and Employment—Knowledge Check 2

Click the appropriate answer.

OPM appointing authorities will not be retained in the new system.

a) True

b) False

Staffing and Employment—Knowledge Check 3

Click the appropriate answer.

The NSPS competitive examining procedures state all of the following except:

a) DoD will provide public notice for all vacancies.

b) DoD will accept applications from all U.S. citizens.

c) Local applicants will always be considered simultaneously with applicants from farther away.

d) DoD may establish new competitive examining procedures under NSPS.

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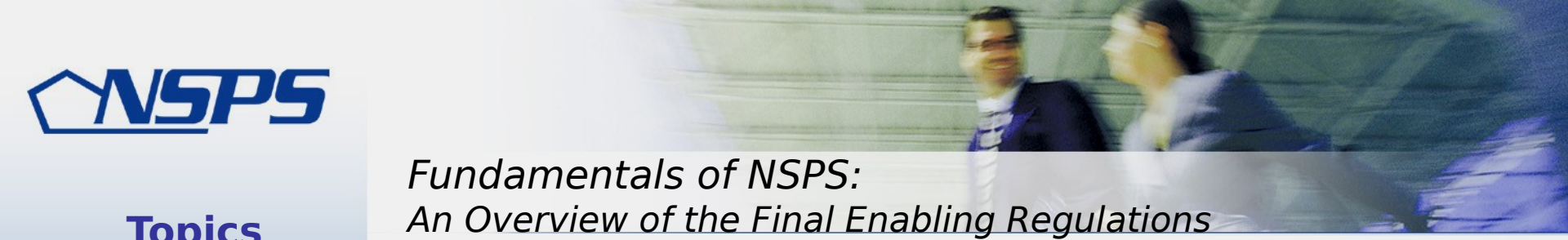
Workforce Shaping

The final regulations contain the following sections. Select one for more information.

- Purpose and Applicability
- Scope of Authority
- Coverage
- Competitive Area
- Competitive Group
- Retention Standing
- Displacement, Release, and Position Offers
- Reduction in Force Notices
- Voluntary Separation
- Reduction in Force Appeals



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Purpose and Applicability (9901.601)

These sections establish DoD procedures when reducing overall agency's staff and pay band levels when realigning, reorganizing, and reshaping the Department's workforce as the result of organizational decisions.

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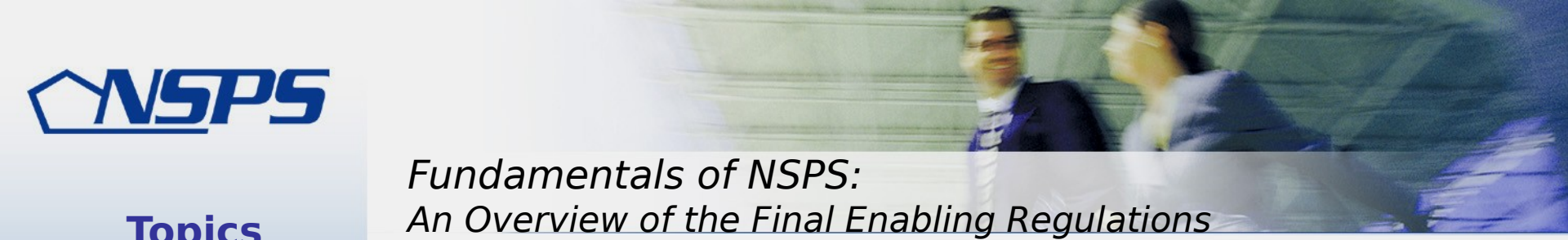

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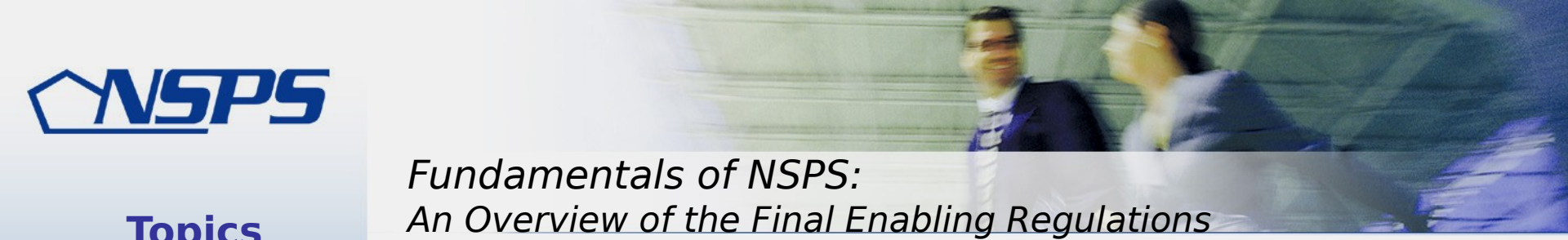
Scope of Authority

(9901.602)

For covered employees, the workforce shaping sections of the regulations modify and replace the provisions of 5 U.S.C 3501, 3502, and 3503 (except with respect to veterans' preference).



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Coverage

(9901.604)

The workforce shaping sections of the regulations cover employees and positions who would otherwise be covered by 5 U.S.C chapter 35 and others designated by the Secretary as authorized for DoD. They do not cover SES members and employees excluded from coverage by other statutory authority. The Secretary may designate others for coverage through implementing issuances.

The following actions are covered:

- Reduction in force
- Transfer of function
- Furlough

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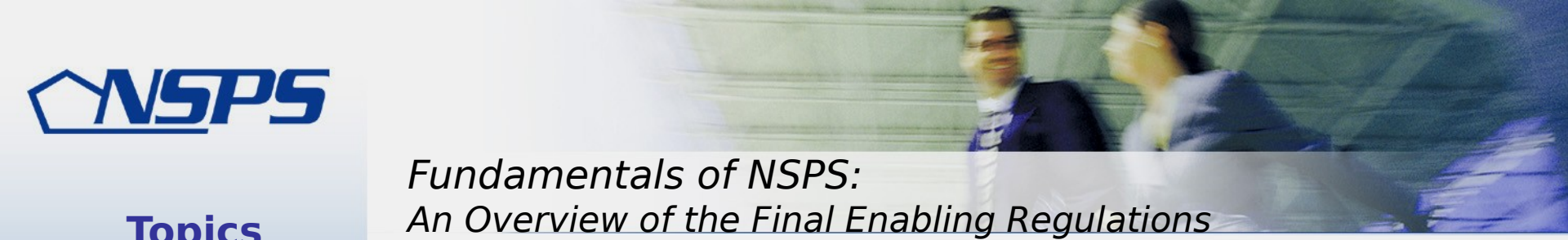

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Competitive Area

(9901.605)

NSPS authorizes a competitive area on the basis of one or more of the following considerations: geographical locations, lines of business, product lines, organizational units, and funding lines.

Competitive areas will be established for a minimum of 90 days before the effective date of a RIF; however, the Secretary will establish in implementing issuances the approval procedure requirements for any competitive area identified less than 90 days before the effective date of a RIF.

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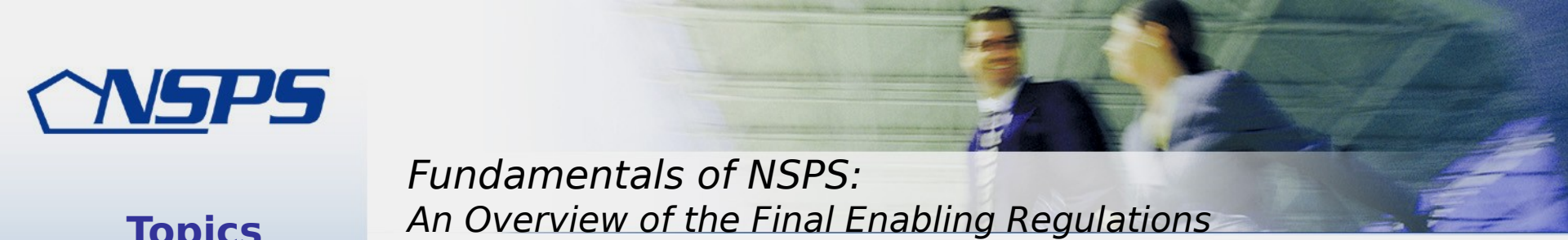

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Competitive Area (continued)

(9901.605)

The Secretary may establish a competitive area only on the basis of legitimate organizational reasons, not as a pretext for targeting an individual employee for release on the basis of non-merit factors.

The establishment of a competitive area is not subject to collective bargaining.

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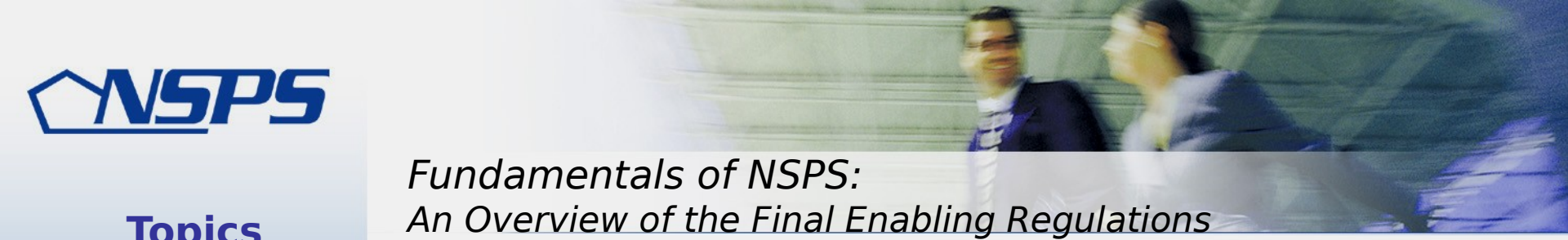

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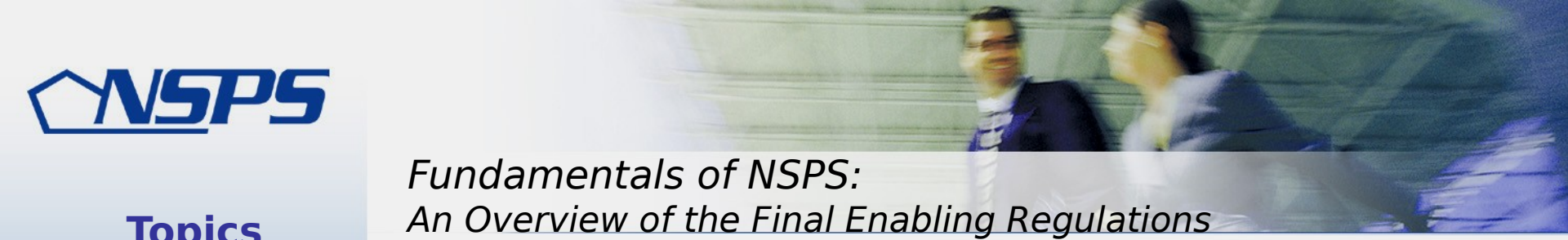
Competitive Group (9901.606)

As part of NSPS, DoD must establish separate competitive groups for employees in the excepted and the competitive service, under different excepted service appointment authorities, and with different work schedules.

DoD may further define competitive groups on the basis of one or more of the following other considerations: career group, pay schedule, occupational series or specialty, pay band and trainee status.

The establishment of a competitive group is not subject to collective bargaining.



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Retention Standing

(9901.607)

DoD's retention lists will be in descending order based on the following criteria:

1. Career employees will be listed first, followed by employees serving an initial probationary period, followed by employees on term appointments, and other employees as identified in implementing issuances.
2. Veterans' preference: Employees will be listed in accordance with the preference requirements in §§ 5 CFR 351.501(c) and (d) of preference restrictions found in 5 U.S.C. 3501(a)
3. The ratings of record : Employees will be ordered from highest rating to lowest rating as determined by implementing issuances.
4. Creditable civilian and uniformed service: Employees will be listed in accordance with 5 U.S.C. 3502(a)(4)(A) and (B) and § 5 CFR 351.503 (excluding § 5 CFR 351.503(c)(3) and (e)) of OPM's RIF regulations. (continued)

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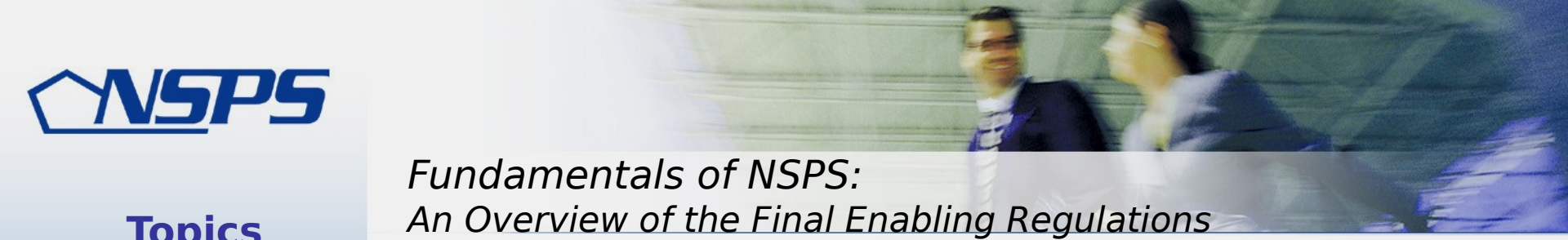

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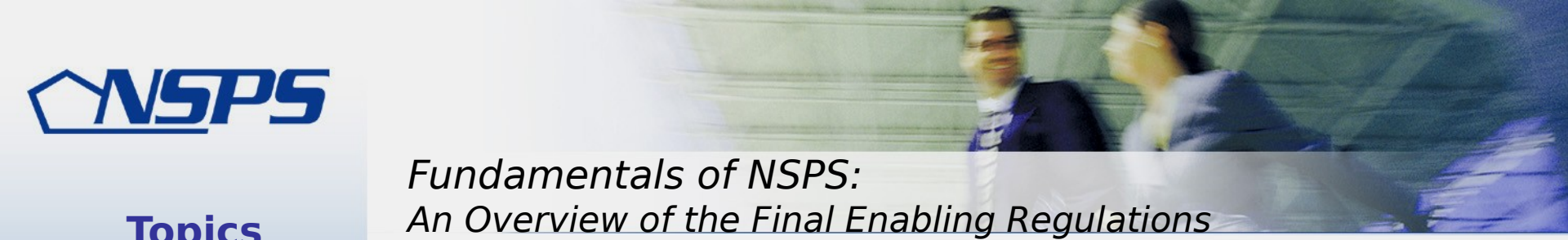
Retention Standing (continued)

(9901.607)

Names of employees who, on the effective date of the RIF, are on active duty in the armed forces with a restoration right will not appear on the list.

Employees who receive a reduction in force notice, and their respective employee representative(s), will have access to the applicable retention lists.

The Secretary may establish tiebreaking procedures when two or more employees have the same retention standing.



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Displacement, Release, and Position Offers (9901.608)

Employees on a retention list who are displaced because of position abolishment, or because of displacement resulting from the abolishment of the position of a higher-standing employee on the retention list, may displace a lower-standing employee on the same list if the higher-standing employee is qualified for the position, if no undue interruption would result from the displacement, and if the position of the lower-standing employee is in the same or lower pay band.

A displaced employee retains his or her status and tenure.
(continued)

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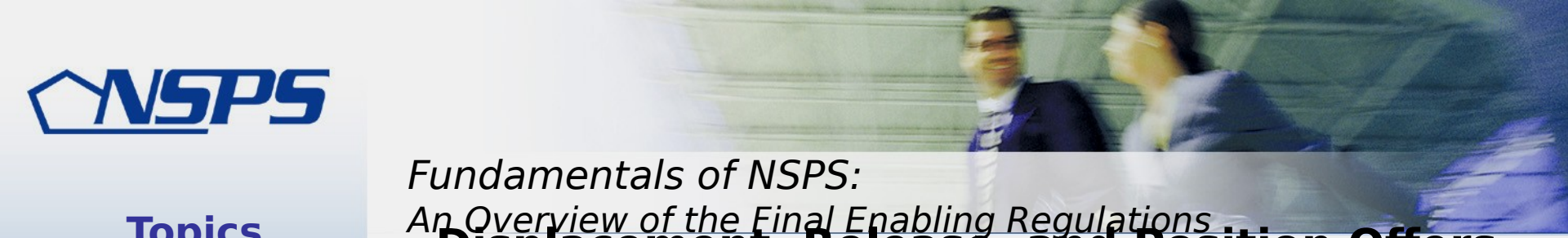

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Displacement, Release, and Position Offers (continued) (9901.608)

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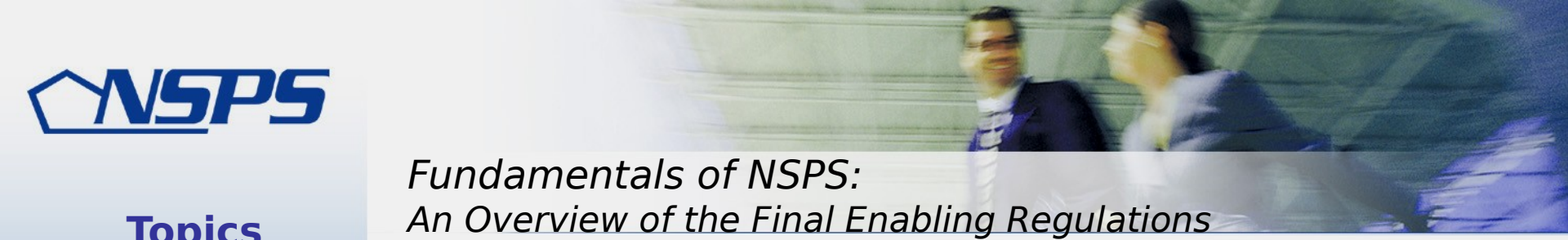
At his or her option, the Secretary may offer a displaced employee a vacant position within the competitive area in lieu of RIF based on the employee's relative retention standing (that is, the qualified employee with the highest standing is the first employee eligible to receive an offer).

The Secretary may not release a competing employee from a retention list that contains a position held by a temporary employee when the competing employee is qualified to perform in that position.



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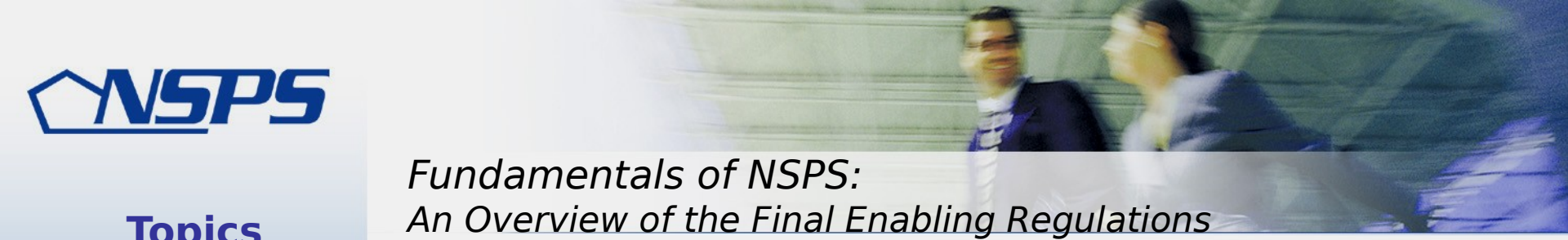
Reduction in Force Notices

(9901.609)

The Secretary will provide a specific written notice to each employee reached for a RIF action at least 60 days before the RIF effective date. When a RIF is caused by circumstances not reasonably foreseeable, the Secretary may approve a notice period of 30 to 60 days before the effective date of release.



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Voluntary Separation (9901.610)

The Secretary may authorize voluntary RIF separations even though the employee is not otherwise subject to separation due to RIF.

For each employee separated by a voluntary RIF action, DoD will retain an employee in a similar position who would otherwise be separated due to RIF.

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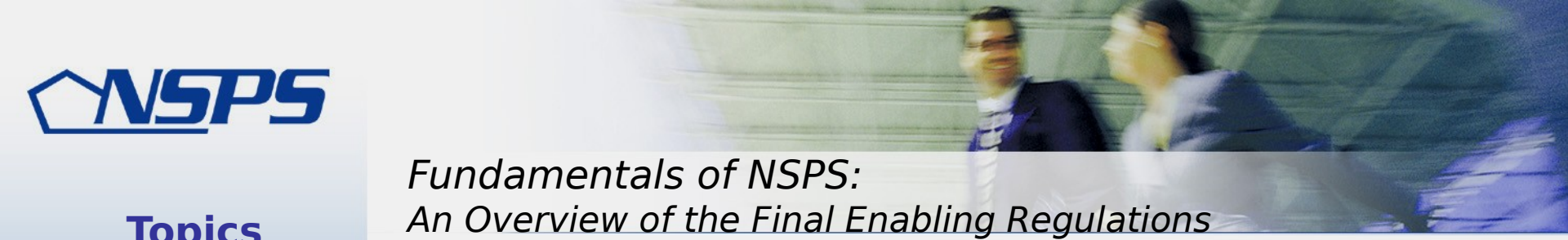

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Reduction in Force Appeals

(9901.611)

An employee who is separated, reduced in band, or furloughed for more than 30 consecutive calendar days (or 22 workdays, if done discontinuously) by a RIF action and who believes the retention regulations were not properly applied may appeal to the Merit Systems Protection Board (MSPB). This does not apply to actions taken under internal DoD placement programs.

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Workforce Shaping—Knowledge Check 1

Click the appropriate answer.

For RIF actions, the regulations do not:

a) Retain existing veterans' preference protections in RIFs.

b) Provide the Department with additional flexibilities to minimize disruption resulting from any RIF actions.

c) Set up a framework to determine employees' retention standing.

d) Cover actions involving performance or conduct.

Workforce Shaping—Knowledge Check 2

Click the appropriate answer.

Under NSPS, tenure is the most important factor in retention standing.

a) True

b) False

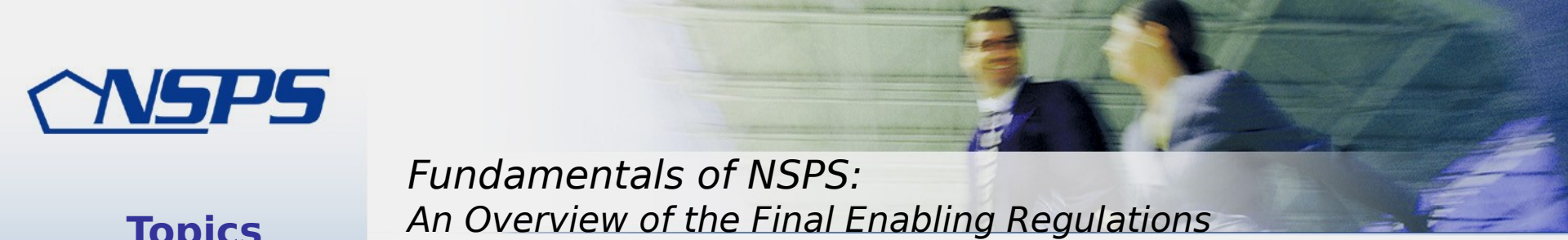
Workforce Shaping—Knowledge Check 3

Click the appropriate answer.

Employees can appeal RIF actions to OPM.

a) True

b) False



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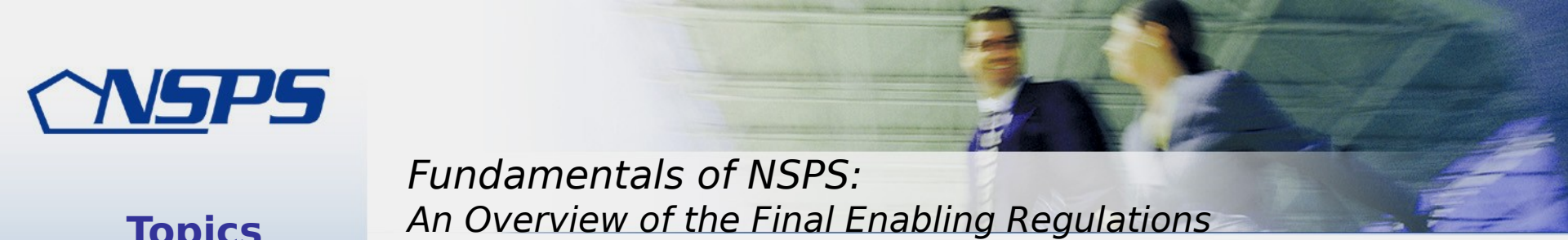
Adverse Actions

The final regulations contain the following sections. Select one for more information.

- Purpose
- Waivers
- Coverage
- Standard for Action
- Mandatory Removal Offenses (MROs)
- Procedures
- Proposal Notice
- Opportunity to Reply
- Decision Notice
- Departmental Record
- Savings Provision



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Purpose

(9901.701)

The sections on adverse actions in the regulations set down procedures and requirements for employees who are removed, suspended, furloughed for 30 days or less, reduced in pay, or reduced in pay band (or comparable reduction).

(continued)

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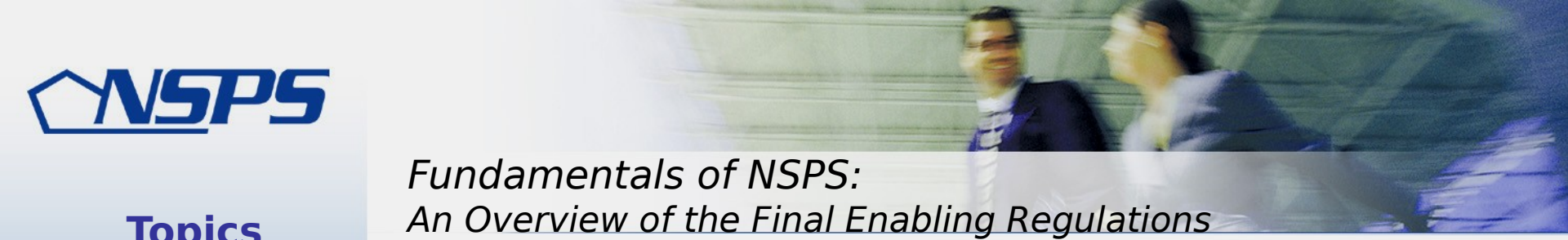

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Purpose (continued)

(9901.701)

These changes are directed at the requirements for addressing and resolving unacceptable performance and misconduct. The changes streamline the rules and procedures for taking adverse actions, to better support the mission of the Department while ensuring that employees receive due process and fair treatment guaranteed by the law authorizing the establishment of NSPS.

Under the enabling legislation, DoD may not waive or modify provisions relating to prohibited personnel practices or merit system principles, including reprisal for whistleblowing or unlawful discrimination. The regulations therefore do not modify these protections. The regulations ensure employees notice, a right to reply, a final written decision, and a hearing, if appropriate.

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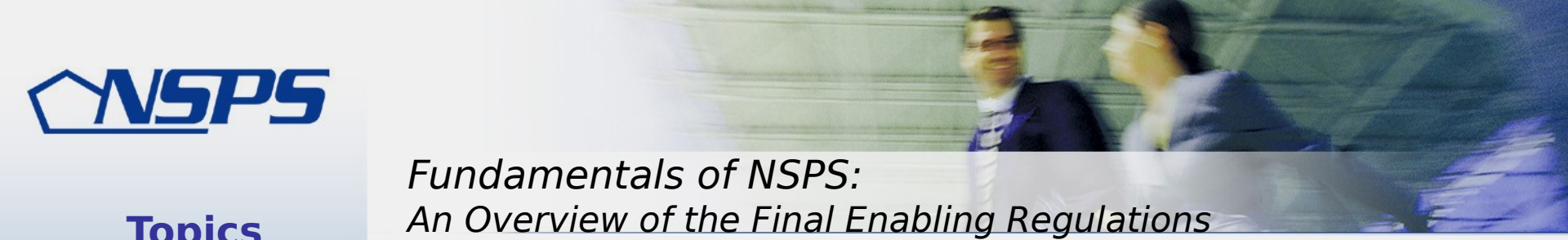
Waivers

(9901.702)

The adverse action sections of NSPS waive and replace certain parts of chapters 43 and 75 of title 5.



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Coverage

(9901.704)

The adverse action sections cover the following actions against employees:

- Removal
- Suspension
- Furlough for 30 days or less
- Reduction in pay
- Reduction of pay band (or comparable reduction)

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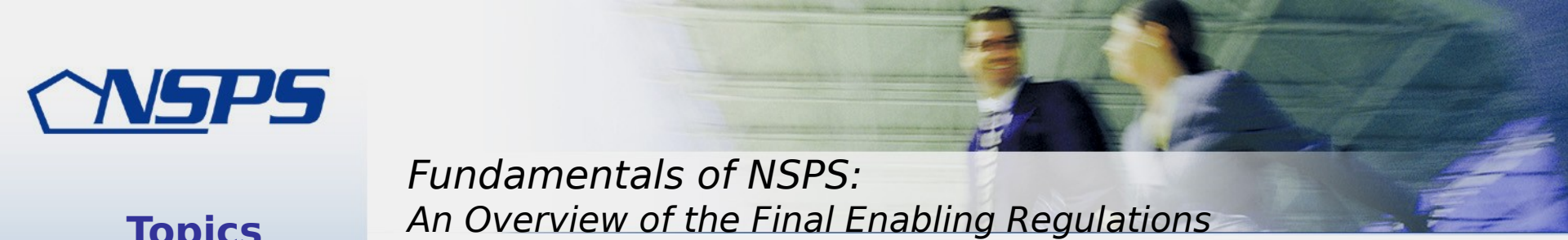

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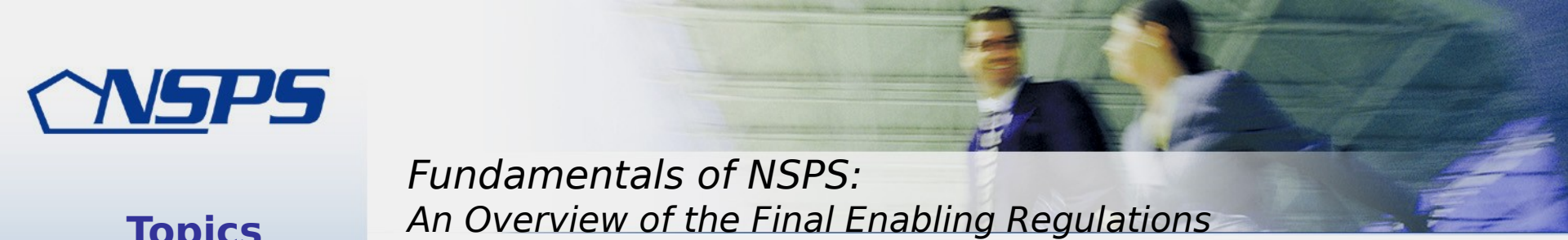
Coverage (continued)

(9901.704)

All actions currently excluded from coverage remain excluded.

All DoD employees are eligible for coverage, except where specifically excluded by law or regulation.

Preference eligible employees who are removed after completing one year of a probationary period are provided appeal rights.



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Standard for Action (9901.711)

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The Secretary may take adverse actions against an employee only to promote the efficiency of the service. A single system is established for taking adverse actions based on misconduct and/or unacceptable performance.

The regulations eliminate the requirement for a formal, set period for an employee to improve performance before management may take an adverse action. Management selects employees for their positions because the employees are well-qualified. Under the new performance management system, management must explain to employees what is expected of them when it comes to performance.

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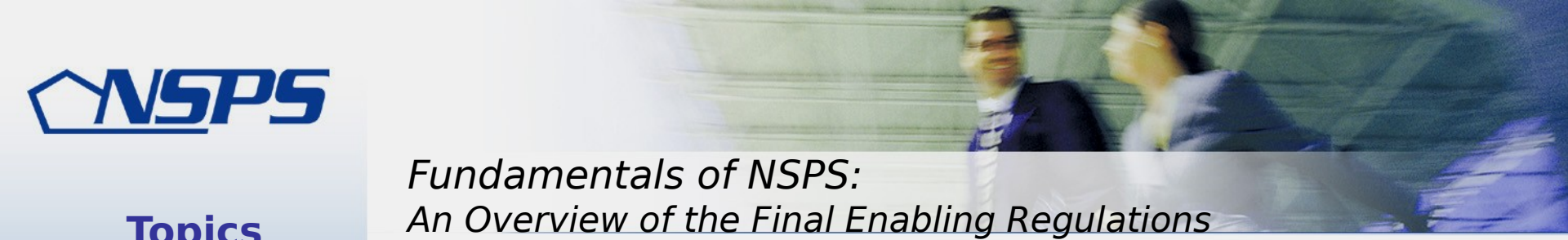

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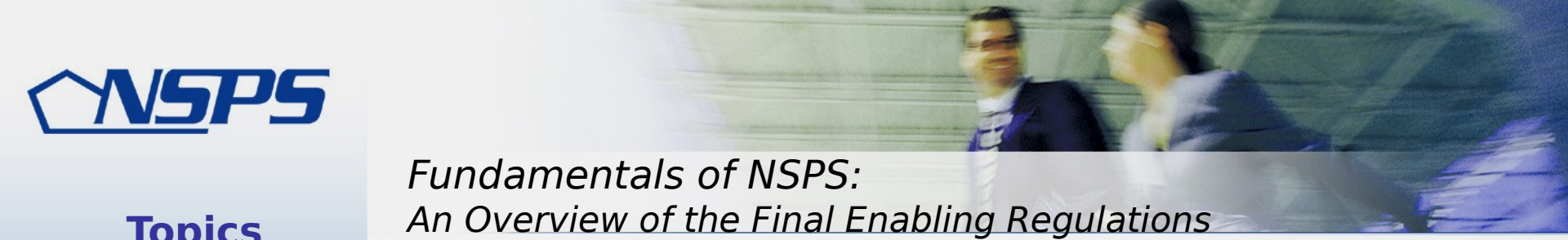
Standard for Action (continued)

(9901.711)

If an employee fails to perform at an acceptable level, management may use a variety of measures, including training, regular feedback, counseling, and at management's discretion, an improvement period, to address and resolve performance deficiencies.

If an employee is still unable or unwilling to perform as expected, it is reasonable for management to take an action against the employee.



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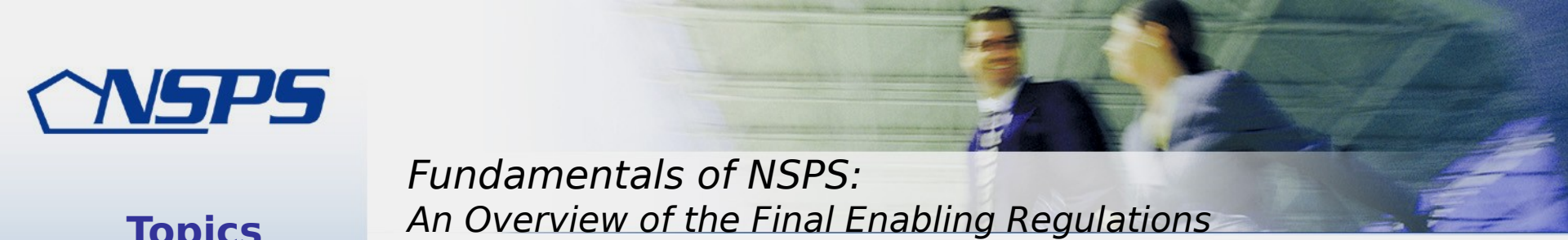
Mandatory Removal Offenses (MROs) (9901.712)

The Secretary may identify offenses that have a direct and substantial adverse impact on DoD's national security mission, and warrant mandatory removal. A proposed notice of mandatory removal may be issued only after approval by the Secretary. Only the Secretary can mitigate this mandatory removal penalty within DoD.

DoD will publish an MRO listing in the *Federal Register* in order to inform all employees which offenses have been designated as MROs prior to their adoption and changes will be made known to employees on a periodic basis, as appropriate.

Nothing prohibits the Secretary from removing employees for offenses other than those identified as MROs.



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Procedures

(9901.713)

Employees are entitled to an advance written notice of a proposed adverse action, an opportunity to reply, and a decision notice.

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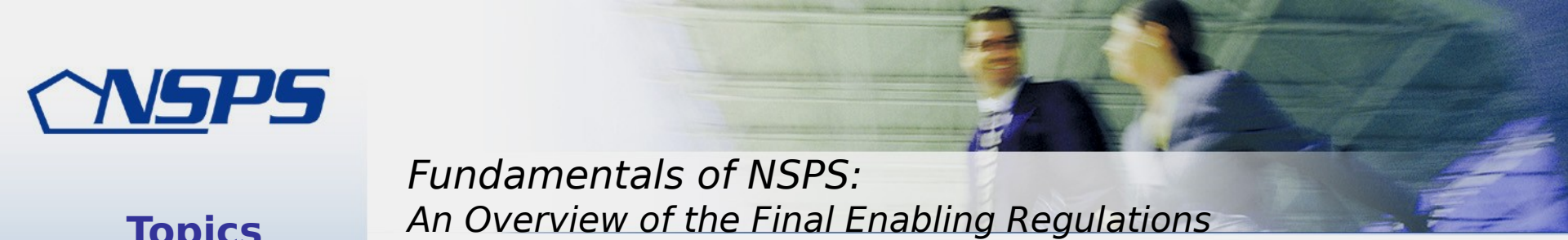

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Proposal Notice

(9901.714)

The employee will receive a minimum 15 days' advance notice of proposed action (a minimum 5 days when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed).

No notice is necessary for furlough of 30 days or less without pay due to unforeseen circumstances, such as:

- sudden breakdowns in equipment.
- acts of God.
- sudden emergencies requiring immediate curtailment of activities.

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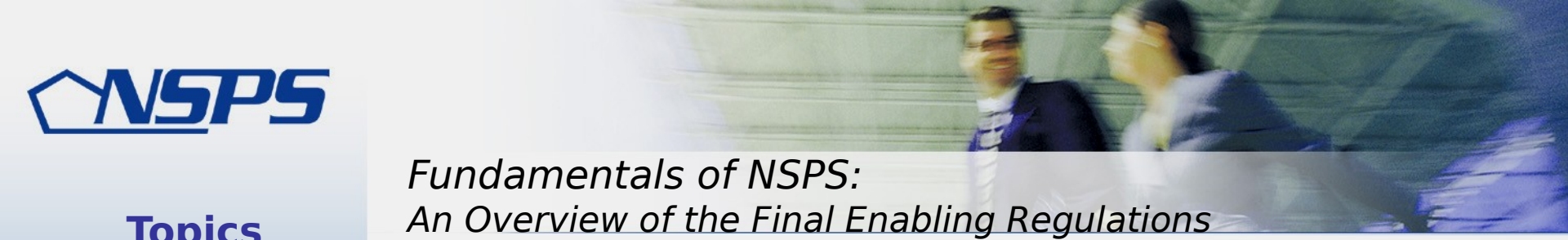

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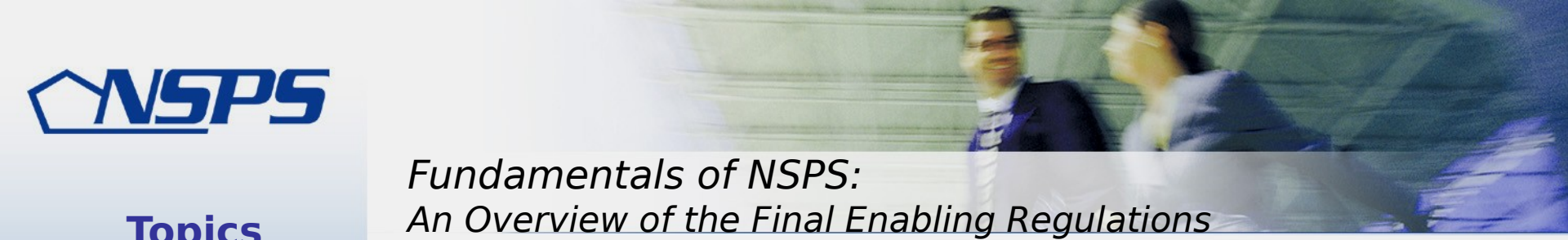
Proposal Notice (continued)

(9901.714)

An employee will remain in a duty status in his or her regular position during the notice period. However, management may allow the employee to take leave, or place the employee in a paid, non-duty status, or other appropriate leave status (annual leave, sick leave, leave without pay (LWOP), or AWOL if the employee is absent from the worksite without approved leave) if the employee's presence in the workplace:

- Poses a threat to the health or safety of the employee or others.
- Results in loss of or damage to Government property.
- Adversely affects DoD's mission.

Management may also assign the employee other duties during the proposal and reply periods, if the employee is no longer a threat to health or safety of others, the mission, or Government property.



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Opportunity to Reply

(9901.715)

Employees will have a minimum of 10 days to reply (concurrent with the 15-day notice period), either orally and/or in writing. If there is reason to believe the employee committed a crime that may require imprisonment, the reply period may be reduced to a minimum 5 days which runs concurrently with the notice period. No opportunity to reply is necessary for furlough without pay due to unforeseen circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities.

An oral reply does not include the right to a formal hearing with witness examination.

(continued)

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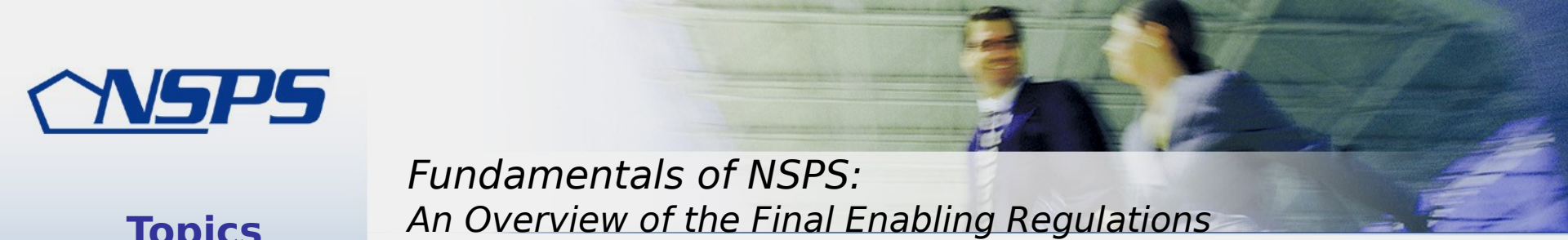

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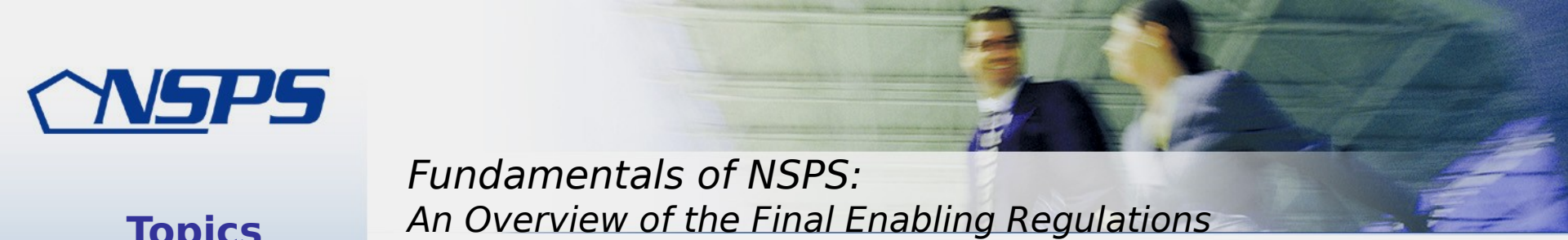
Opportunity to Reply (continued) (9901.715)

During the opportunity to reply, the employee will be provided a reasonable amount of official time to review evidence and furnish affidavits.

An official will be designated to receive the employee's response.

The employee may be represented by an attorney, non-Federal employee representative at the employee's expense, or other representative of the employee's choice.

An employee's representative may be disallowed under certain circumstances.



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Decision Notice

(9901.716)

Management will provide the decision notice on the proposed action in writing to the employee, stating the reasons for the decision and providing appeal or grievance rights.

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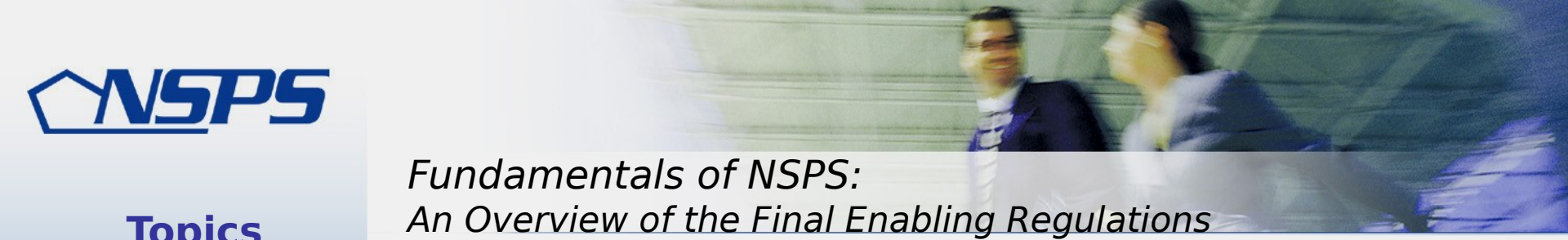

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Departmental Record

(9901.717)

The official record will be kept by the Department and made available for review by the employee or Merit Systems Protection Board (MSPB) upon request. The record will include the proposal notice, employee's written response, summary of employee's oral response, decision notice, and any supporting material.

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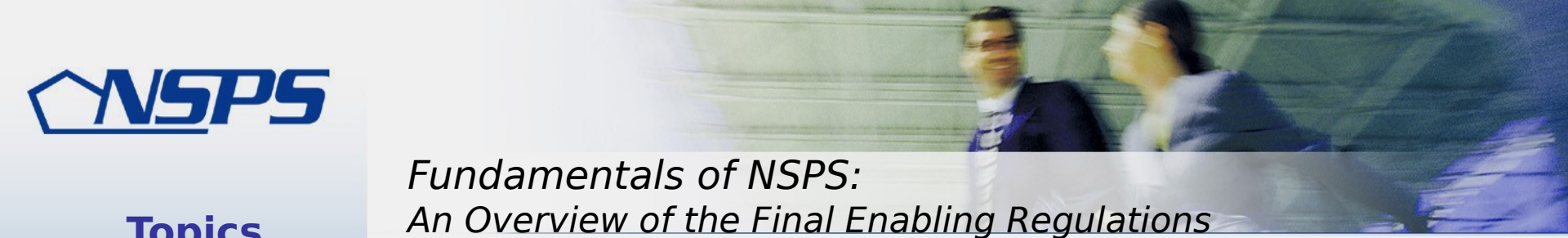

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Savings Provision

(9901.721)

The rules do not apply to adverse actions proposed prior to the date that the employee becomes covered by these provisions.

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Adverse Actions—Knowledge Check 1

Click the appropriate answer.

All of the following actions are considered adverse actions except:

a) Suspension.

b) Furlough for 30 days or less.

c) Reduction in force (RIF).

d) Reduction in pay.

Adverse Actions—Knowledge Check 2

Click the appropriate answer.

Under NSPS, when an adverse action is proposed, an employee is entitled to receive a proposal notice, an opportunity to reply, and a decision notice.

a) True

b) False

Adverse Actions—Knowledge Check 3

The NSPS regulations require all of the following except:

a) A minimum 15-day proposal notice period for adverse actions.

b) A minimum 10-day period for employees to reply.

c) A formal period where employees can improve their performance before action is taken.

d) A minimum 5-day period for employees to reply when dealing with a crime that may require imprisonment.

Adverse Actions—Knowledge Check 4

A Mandatory Removal Offense (MRO) is:

a) A suspension, furlough for 30 days or less, reduction in pay, or reduction in pay band (or comparable reduction).

b) An offense that the Secretary determines in his or her sole, exclusive, and unreviewable discretion has a direct and substantial adverse impact on the Department's national security mission.

c) A corrective action that may not be appealed to the Merit Systems Protection Board (MSPB).

d) The period of time, as designated by the Secretary, during which an authorized management official determines whether the employee fulfills the requirements of the assigned position.

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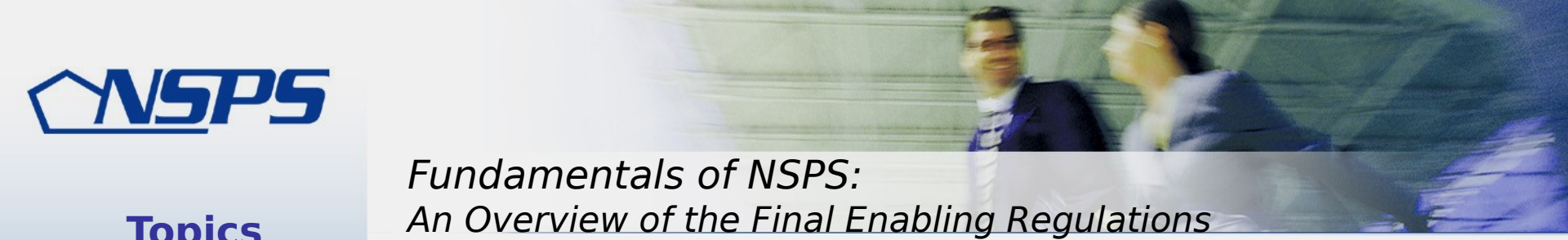
Appeals

The final regulations contain the following sections. Select one for more information.

- Purpose
- Applicable Legal Standards and Precedents
- Waivers
- Coverage
- Alternative Dispute Resolution (ADR)
- Appellate Procedures
- Appeals of Mandatory Removal Actions
- Actions Involving Discrimination
- Savings Provision



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Purpose

(9901.801)

The appeals sections of the regulations establish the process by which employees may appeal adverse actions and implement the provision in the NSPS law allowing DoD to establish an internal appeals process.

The sections also modify the current process for appealing to MSPB, but retain MSPB administrative judges as the initial adjudicators of employee appeals to adverse actions.

These regulations are intended to ensure appropriate deference to the adverse actions taken by DoD and to streamline the way MSPB cases are handled while continuing to preserve and safeguard employee due-process protections.

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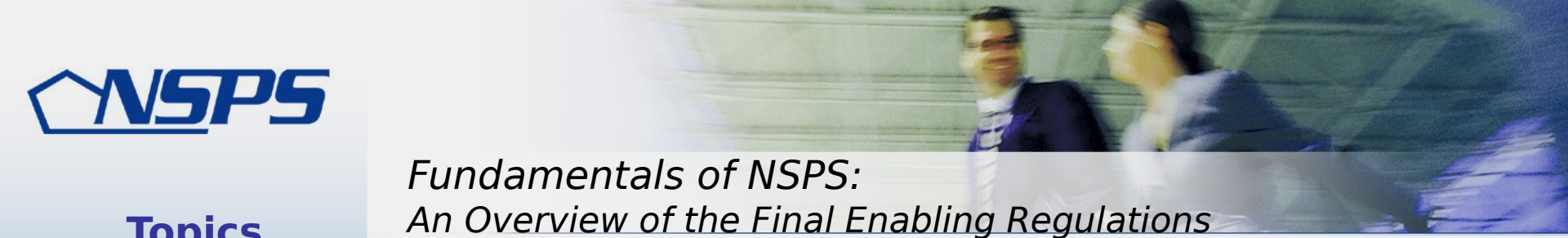

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Applicable Legal Standards and Precedents (9901.802)

In applying existing legal standards and precedents, MSPB and arbitrators, when applicable, are bound by these regulations to recognize the Department's critical mission and the need to promote the swift, flexible, and effective day-to-day accomplishment of that mission.

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Waivers

(9901.803)

For applicable employees, the appeals sections of NSPS waive certain provisions in chapter 77 of title 5.

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Coverage

(9901.805)

These provisions cover employees under the NSPS HR system.

Appeals procedures apply to employees who appeal removal, suspension for more than 14 days (including indefinite suspensions), furloughs of 30 days or less, reductions in pay, or reductions in pay band (or comparable reduction) which are adverse actions.

Competitive Service employees who are removed during a probationary period are provided the appeal rights found in 5 CFR 315.806.

The appeals rules in the NSPS regulations do not apply to RIF actions or actions taken under internal DoD placement programs, including the DoD Priority Placement Program.

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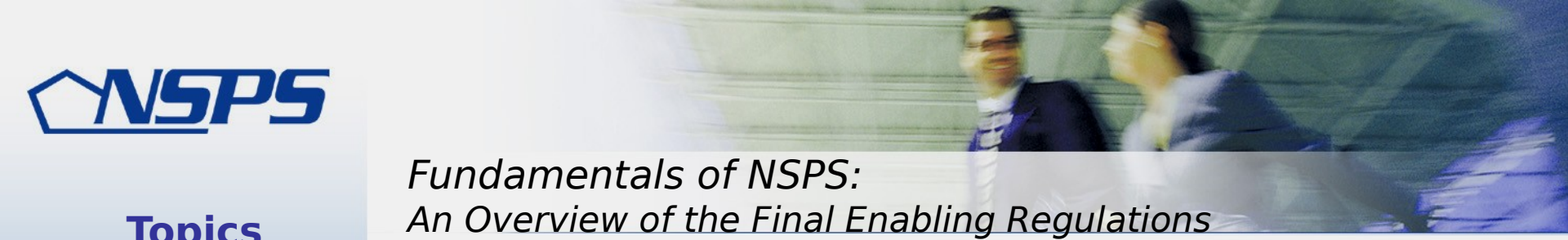
Coverage (continued)

(9901.805)

Suspensions of 14 days or less and other lesser disciplinary actions are not covered, however, they may be grieved through a negotiated grievance procedure or an administrative grievance procedure.

Unless stated expressly in the regulations, pay administrative actions cannot be appealed to MSPB.



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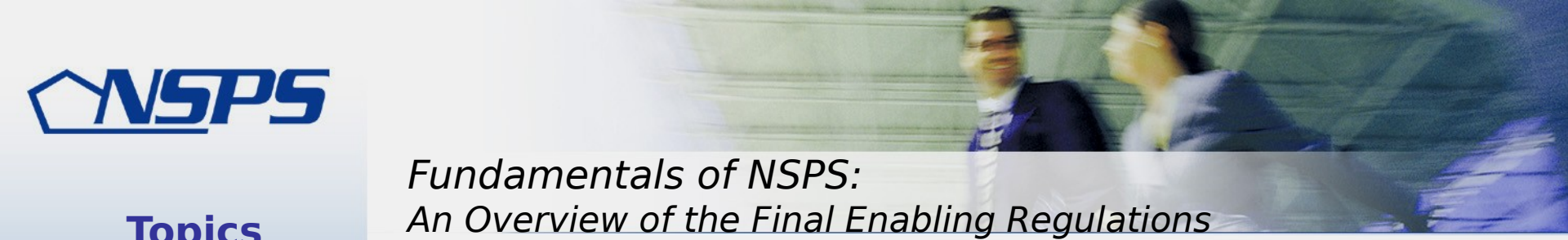
Alternative Dispute Resolution (ADR) (9901.806)

ADR can be an effective tool in resolving employee-employer disputes without using formal adverse action and appeal procedures. The use of ADR is encouraged, but not mandated.

These methods may be subject to collective bargaining.



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Appellate Procedures

(9901.807)

This section establishes streamlined appellate procedures and provides for such things as Department review of initial decisions upon request, limited discovery, summary judgment, and expedited timeframes.

- The employee has a right to be represented by an attorney, or other representative.
- Employee appeals will be assigned to an MSPB AJ, who will apply DoD rules in processing and deciding the case. Appeals must be filed within 20 days of the effective date of the action.
- Employees will not be granted interim relief, nor will an action taken against an employee be stayed, unless the full MSPB so orders following a final decision by the Department.

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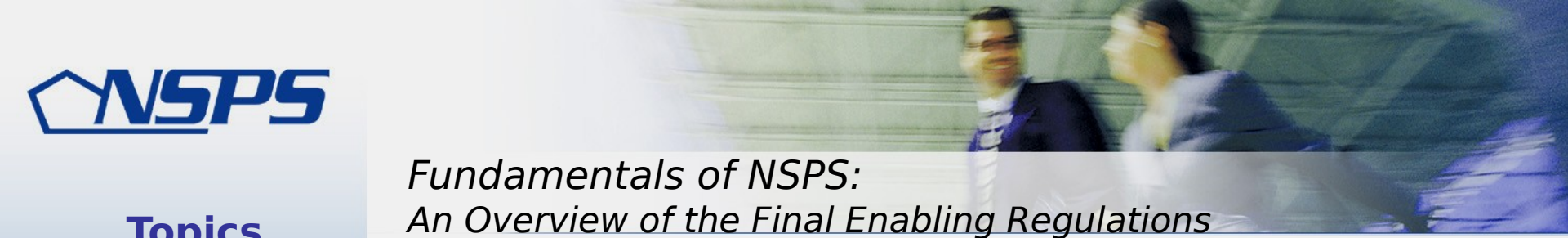
Appeals Definitions

Acronym List

Alternative Dispute Resolution

Appellate Procedures, P.2



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Appellate Procedures (continued)

(9901.807)

- An AJ cannot require any party to engage in settlement discussions. Any settlement discussions will not be conducted by the presiding AJ (another official will be assigned). Alternatively, the parties may decide to engage in settlement discussions on their own.
- Parties may seek to limit discovery and will be limited to one set of interrogatories, one set of requests for productions, and one set of requests for admissions. Parties may only compel two depositions.

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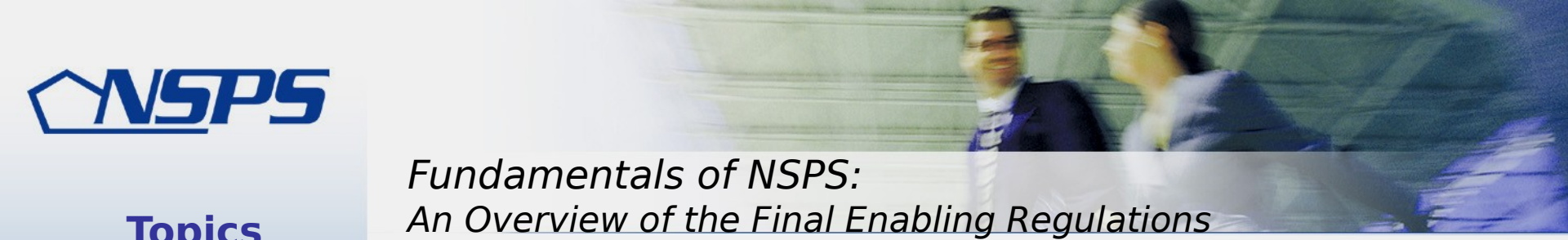

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Appellate Procedures (continued)

(9901.807)

- In cases where material facts are not in dispute, the AJ may limit the scope of a hearing or issue a decision without holding a hearing (summary judgment) upon his or her own initiative or based on a request by either party.
- The agency's action may not be reversed based on the way the charge is labeled or conduct is characterized, provided the employee is on notice sufficient to respond to the charge.
- The agency's performance-based action may not be reversed based on the way the performance expectation is expressed, provided the expectations would be clear to a reasonable person.

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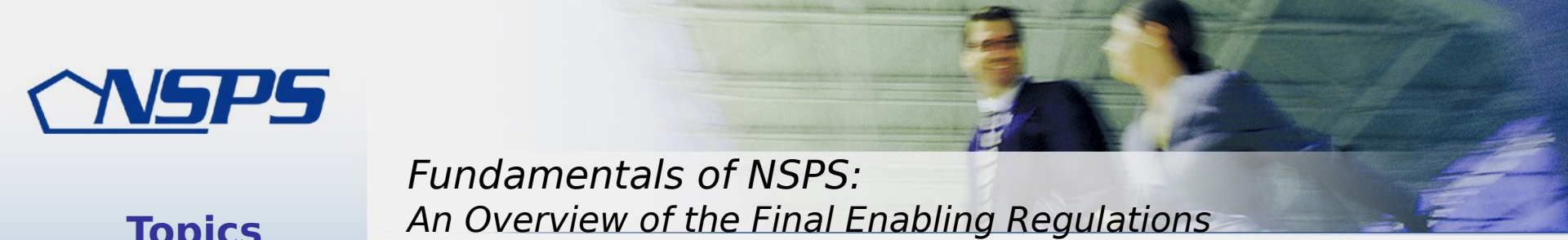

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Appellate Procedures (continued)

(9901.807)

- The AJ must sustain the action if it is supported by a preponderance of the evidence, unless the employee shows (by a preponderance of the evidence) that there was harmful error in applying procedures, the decision was based on a prohibited personnel practice, or the decision was not in accordance with law.
- An arbitrator or an AJ may only mitigate or modify penalties if there is a finding that the penalty imposed by DoD is totally unwarranted in light of all pertinent circumstances. When a penalty is mitigated, the maximum justifiable penalty must be applied by the arbitrator or the AJ.

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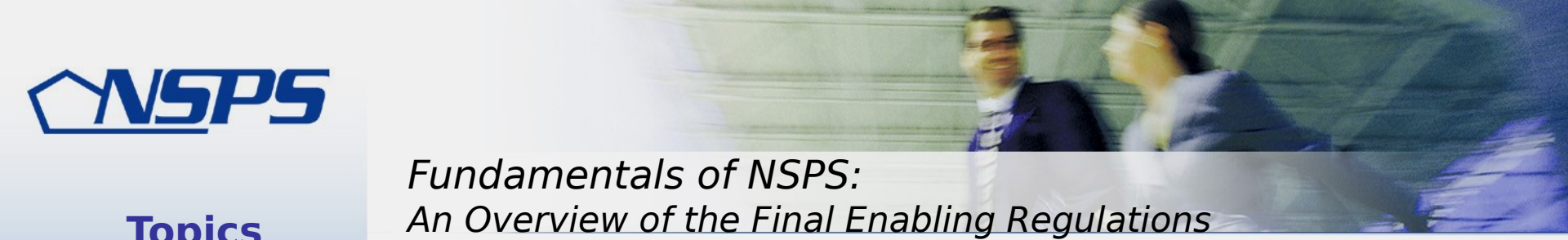

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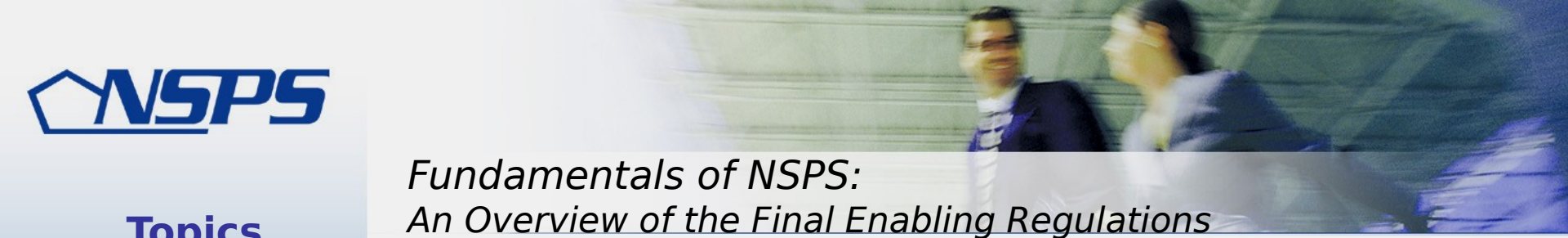
Appellate Procedures (continued)

(9901.807)

- The AJ must issue an initial decision on appeals within 90 days after filing.
- In order to expedite the appeals process, and if the AJ feels that no party is adversely affected, the AJ may consolidate appeals by two or more appellants.
- Either party may file a motion to disqualify a party's representative at any time during the proceedings.
- Either party may request a review of the initial AJ decision—a request for review (RFR) sent to both DoD and MSPB, concurrently. The Department will have the authority to review RFRs and remand, modify or reverse, or affirm an initial AJ decision. The result of a DoD review will be the final agency decision. (continued)



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Appellate Procedures (continued)

(9901.807)

- The Secretary or an employee adversely affected by a final order or decision of MSPB may seek judicial review.
- The initial AJ decision becomes final 30 days after its issuance, unless either party files an RFR. The initial AJ decision becomes the Department's final decision 30 days after an RFR filing, unless the Department serves notice that it will act on the RFR and review the initial AJ decision. In cases where DoD lets stand an initial AJ decision, that decision becomes the final, non-precedential DoD decision. Where an RFR was filed, that RFR will become a petition for review (PFR) to the full MSPB, and MSPB will process the PFR.

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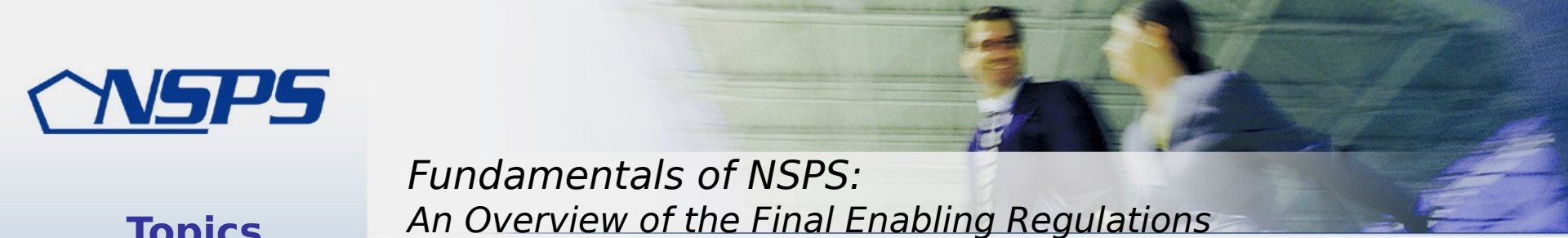

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Appellate Procedures (continued)

(9901.807)

- In cases where DoD modifies or reverses an initial AJ decision, the employee may petition the full MSPB for review of that final DoD decision. The full MSPB must act on a PFR within 90 days after receipt of a timely response to the PFR.
- The Director of OPM has the right to intervene in a proceeding if he or she believes that an erroneous decision may have government-wide impact. This includes requesting an appeal of a final agency decision to the full MSPB, requesting reconsideration of a full MSPB decision (after consultation with the Secretary of DoD), and seeking judicial review.

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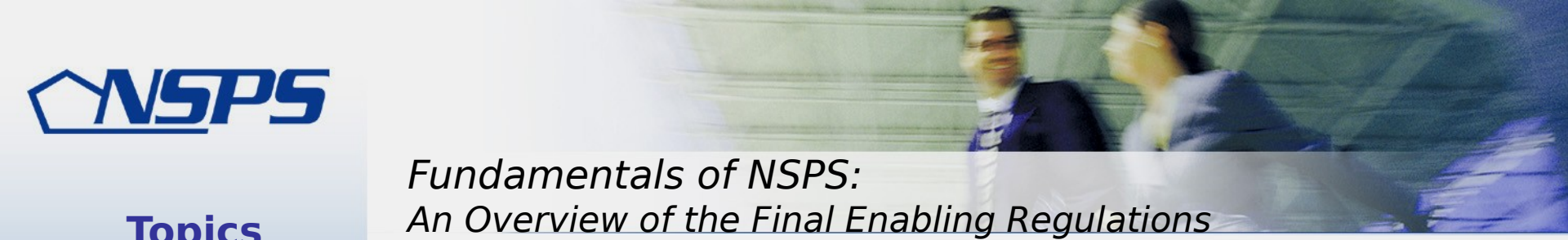
Appellate Procedures (continued) (9901.807)

- The AJ may require the payment of attorney fees by the Department if the employee is the prevailing party and such payment is warranted in the interest of justice, including any case in which the Department engaged in a prohibited personnel practice or the Department's action was clearly without merit.



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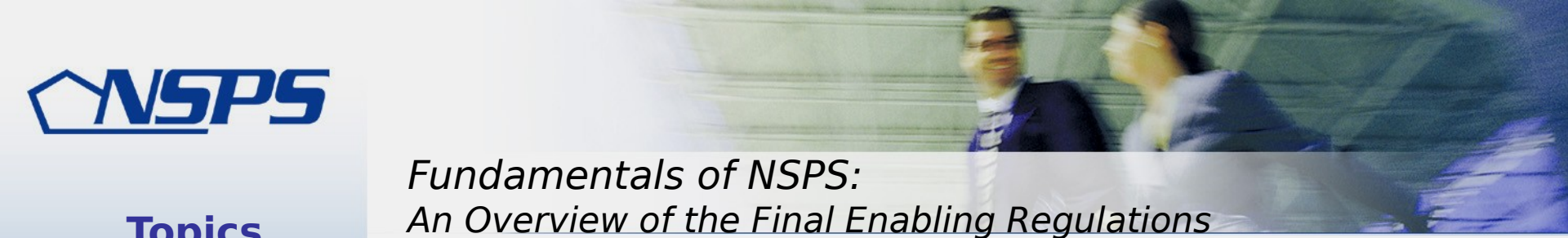
Appeals of Mandatory Removal Actions (9901.808)

Appeals of mandatory removal actions will be processed the same as other actions, except that only the Secretary may mitigate the penalty for a sustained offense within the Department of Defense.

If the MSPB AJ or full MSPB sustains an employee's appeal based on a finding that the employee did not commit an MRO, the Department may propose an adverse action (other than an MRO) based in whole or in part on the same or similar evidence.



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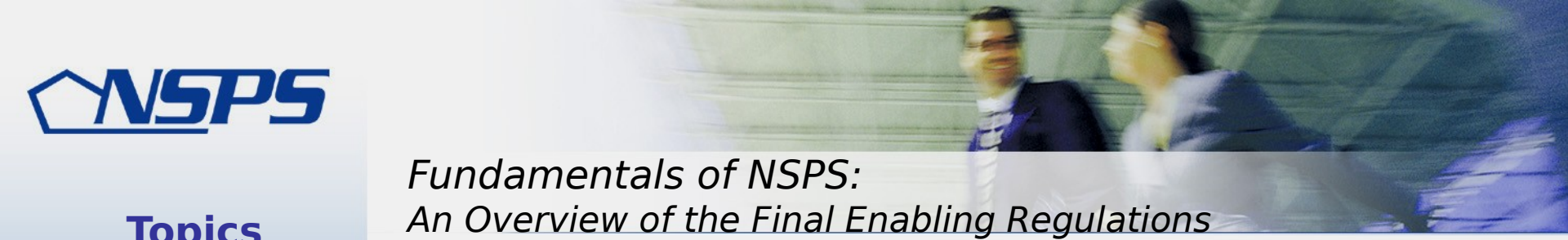
Actions Involving Discrimination

(9901.809)

The appeals sections do not change existing law for actions involving discrimination. Employees may still obtain an Equal Employment Opportunity Commission (EEOC) review of their discrimination claims in actions appealable to the MSPB.



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Savings Provision

(9901.810)

These rules do not apply to adverse actions proposed prior to the date of an employee's coverage under these provisions.

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Appeals—Knowledge Check 1

Click the appropriate answer.

The regulations eliminate the Merit Systems Protection Board (MSPB).

a) True

b) False

Appeals—Knowledge Check 2

Click the appropriate answer.

Under NSPS, how many days will employees have to appeal an adverse action?

a) 20

b) 40

c) 10

d) 30

Appeals—Knowledge Check 3

Click the appropriate answer.

Only the _____ can mitigate the penalty for a sustained mandatory removal offense (MRO) within the Department of Defense.

a)MSPB
b)OPM
c)Supervisor
d)Secretary of Defense

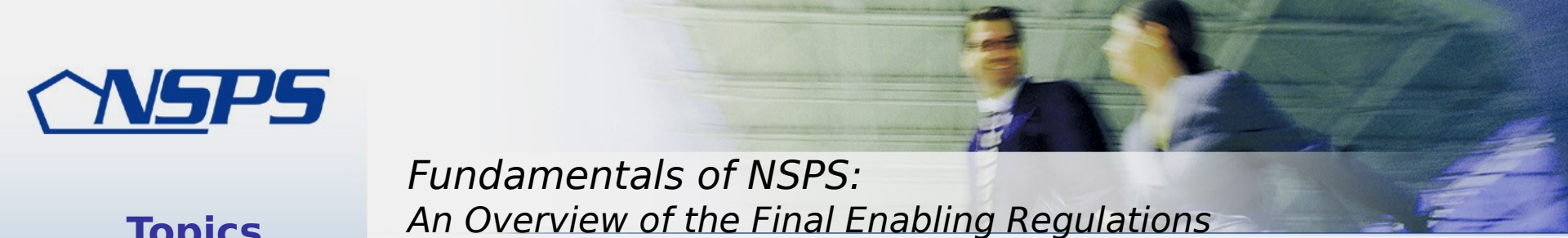
Appeals—Knowledge Check 4

Click the appropriate answer.

The NSPS appeals procedures affect existing law for actions involving discrimination.

a) True

b) False



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The final regulations contain the following sections.

Select one for more information.

- Purpose
- Scope of Authority
- Coverage
- Impact on Existing Agreements
- Employee Rights
- National Security Labor Relations Board
- Powers and Duties of the Board
- Powers and Duties of the Federal Labor Relations Authority (FLRA)
- Management Rights
- Exclusive Recognition of Labor Organizations
- Determination of Appropriate Units for Labor Organization Representation
- National Consultation
- Representation Rights and Duties
- Allotments to Representation
- Unfair Labor Practices
- Duty to Bargain and Consult
- Multi-unit Bargaining
- Collective Bargaining Above the Level of Recognition
- Negotiation Impasses
- Standards of Conduct for Labor Organizations
- Grievance Procedures
- Exceptions to Arbitration Awards
- Official Time
- Compilation and Publication of Data
- Regulations of the Board
- Continuation of Existing Laws, Recognitions, Agreements, and Procedures
- Savings Provisions

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Purpose

(9901.901)

NSPS regulations create the framework for a new Labor Management Relations System (labor relations system), which requires an issue-based, collaborative approach to labor relations that recognizes the unique national security mission of the Department.

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Scope of Authority

(9901.902)

The NSPS regulations modify chapter 71 of title 5.

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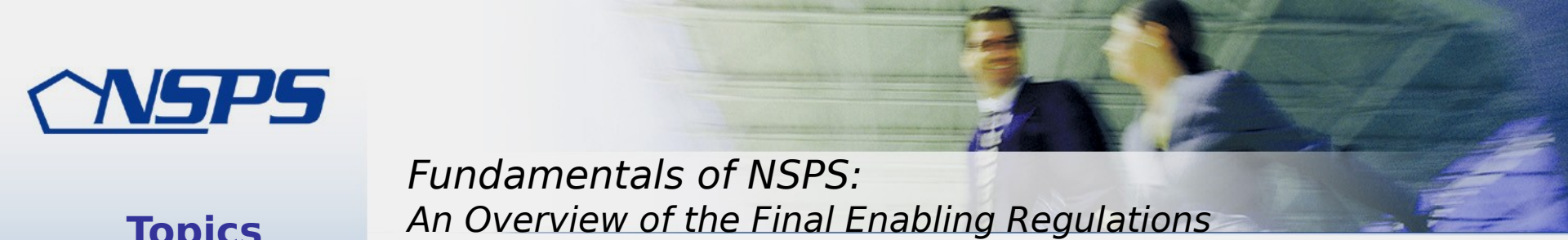

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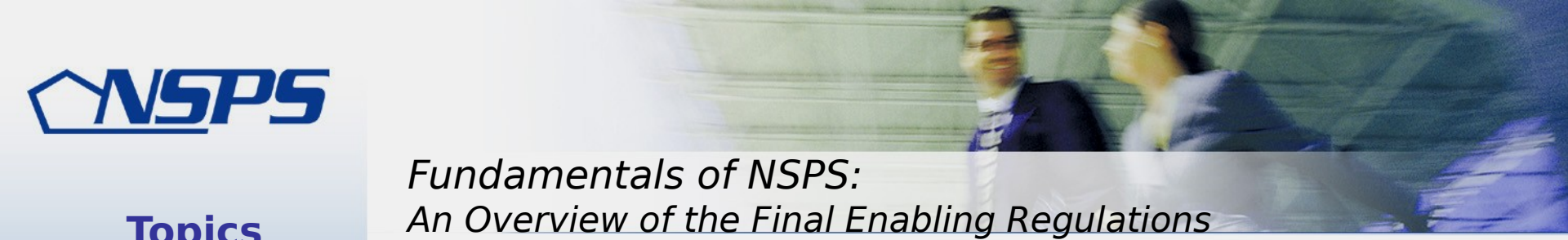
Coverage

(9901.904)

The labor relations sections of the regulations cover all eligible DoD employees, subject to a determination by the Secretary. DoD employees who would otherwise be eligible for bargaining unit membership under chapter 71 of title 5, as modified by 9901.912, are eligible for bargaining unit coverage under these regulations.



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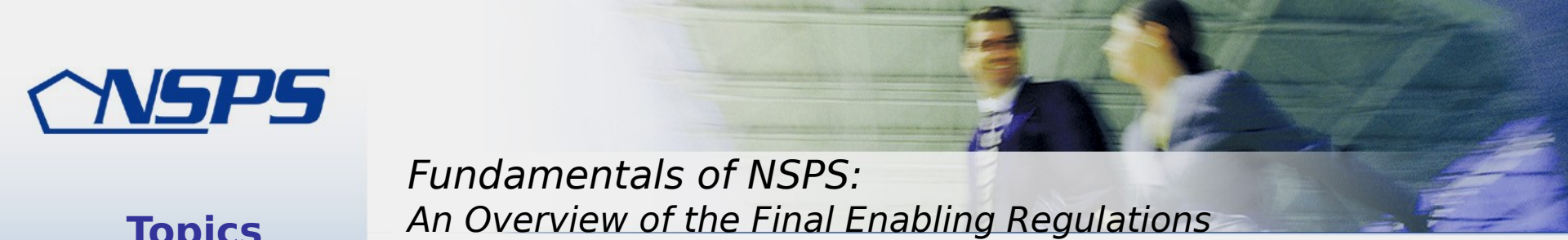
Impact on Existing Agreements (9901.905)

The provisions of the NSPS labor relations system may affect existing collective bargaining agreements. Provisions of existing agreements that are inconsistent with the NSPS regulations are unenforceable; however, the remainder of the agreement is not affected.

The parties will have a 60-day period after the effective date of coverage to bring into conformance with NSPS those remaining negotiable collective bargaining agreement provisions directly affected by the provisions rendered unenforceable. During that period the parties can use the NSPS negotiation impasse rules in attempts to reach agreement.

(continued)



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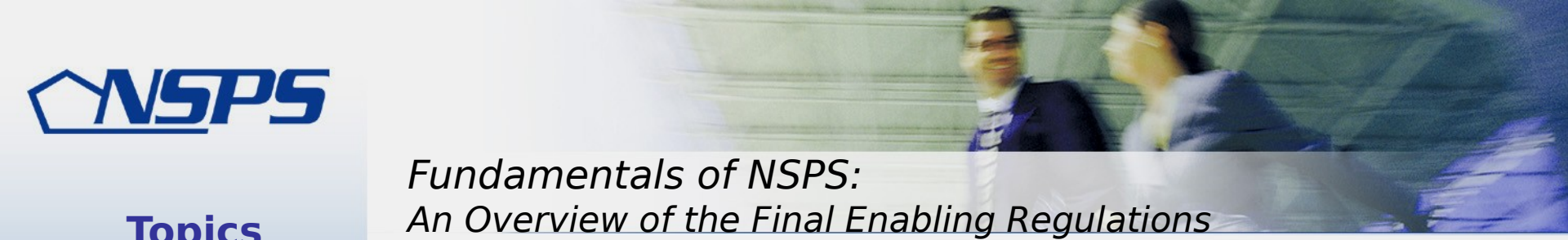
Impact on Existing Agreements (continued) (9901.905)

Any provision of a collective bargaining agreement that is inconsistent with an issuance remains in effect until the expiration, renewal, or extension date of the term of the agreement, whichever occurs first.

The Secretary, at his or her discretion, may continue all or part of a particular provision for a category or categories of employees and may cancel such continuation at any time.



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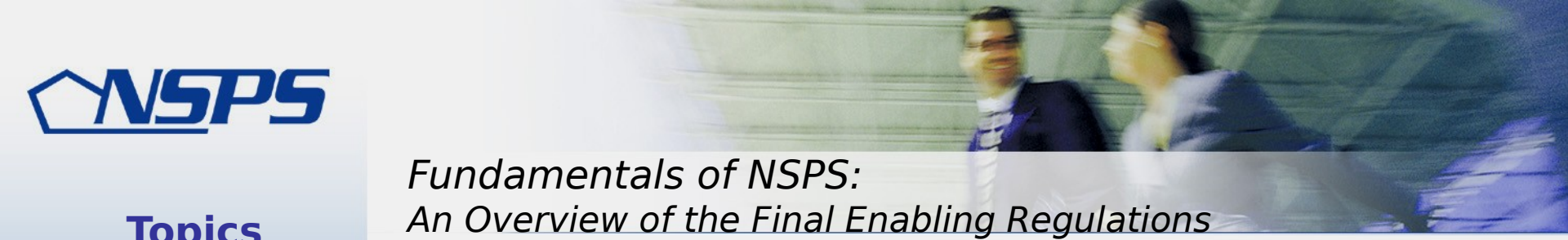
Employee Rights

(9901.906)

Employees may join (or choose not to join) a labor union, act for a labor union as a representative and, through their union representative, bargain collectively over conditions of employment as set forth in these regulations. There is no significant change from chapter 71 of title 5.



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National Security Labor Relations Board (9901.907)

The regulations establish a National Security Labor Relations Board (NSLRB or Board) to act as the first-level independent third-party adjudicator of collective bargaining disputes—effectively replacing the current Federal Labor Relations Authority (FLRA) in that role. It will be established at a date determined by the Secretary.

There will be at least three members on the NSLRB (always an odd number) appointed by the Secretary after he or she considers any labor organization nominees. Board members are removed only under the same conditions as FLRA members.

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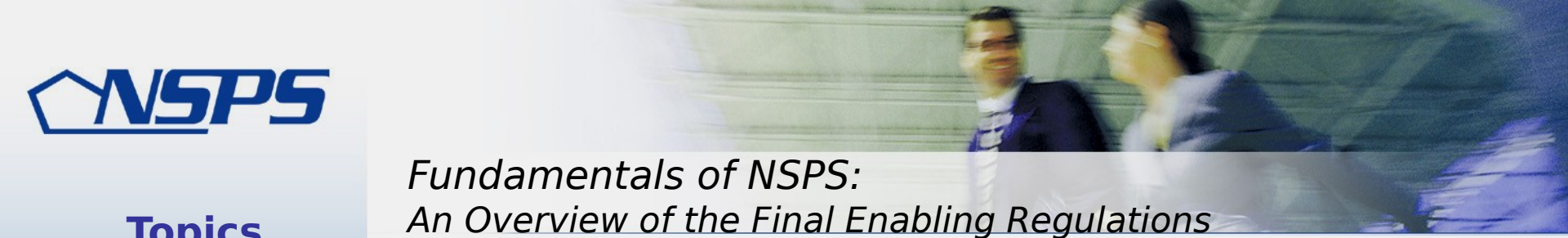

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National Security Labor Relations Board (continued) (9901.907)

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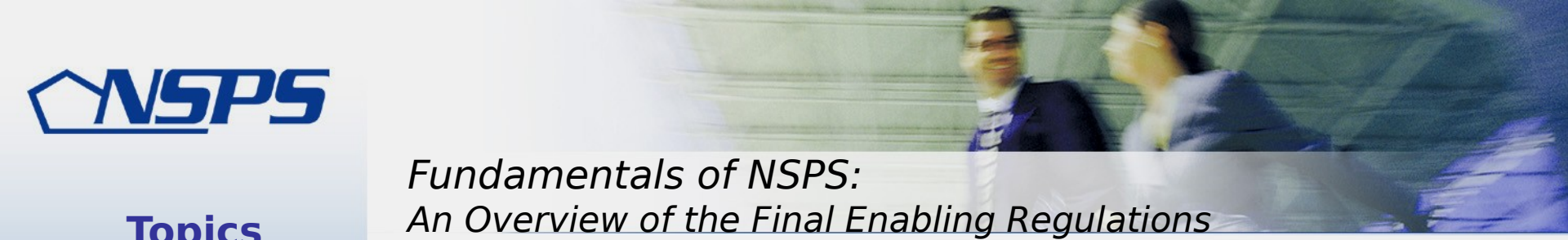
Members will be independent, distinguished citizens known for their integrity, impartiality, and expertise in labor relations and/or the DoD mission, and/or relevant national security matters.

The Secretary appoints the Chair of the Board. The vote of the Chair is dispositive in the event of a tie.

A majority vote of the NSLRB is final and binding. Parties will be notified in writing of Board decisions.



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Powers and Duties of the Board (9901.908)

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The NSLRB must interpret the NSPS regulations in a way that promotes the swift, flexible, and effective day-to-day accomplishment of the Department's mission as defined by the Secretary.

To the extent provided by these regulations, the NSLRB may perform the following activities:

- Conduct investigations, conduct hearings, and resolve allegations of unfair labor practices (ULPs).
- Resolve issues relating to the scope of bargaining.
- Resolve exceptions to arbitration awards.
- Resolve negotiation impasses (in accordance with these regulations).

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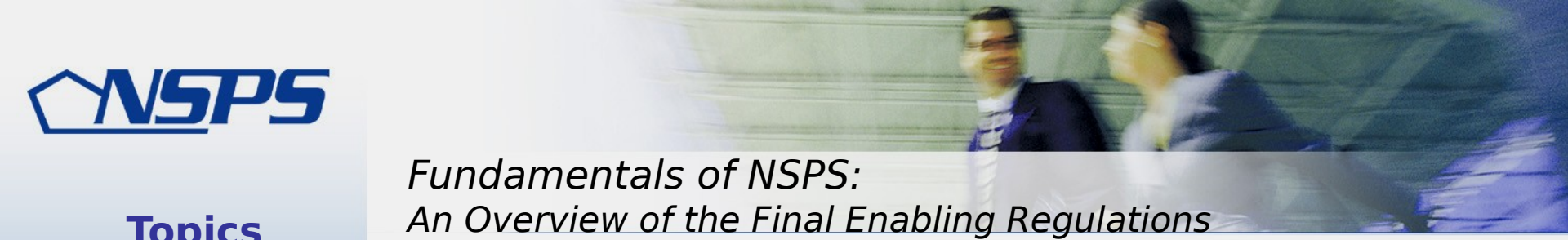

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Powers and Duties of the Board (continued) (9901.908)

- Conduct new reviews involving all matters within the Board's jurisdiction. (The Board evaluates evidence presented in the record and reaches conclusions, but cannot issue *status quo ante* remedies where the remedies are not intended to cure egregious violations of NSPS regulations or where such an award imposes an economic hardship or interferes with the efficiency or effectiveness of the Department's mission or impacts national security.)
- Resolve disputes regarding whether national consultation rights were honored.
- Issue published decisions and opinions.

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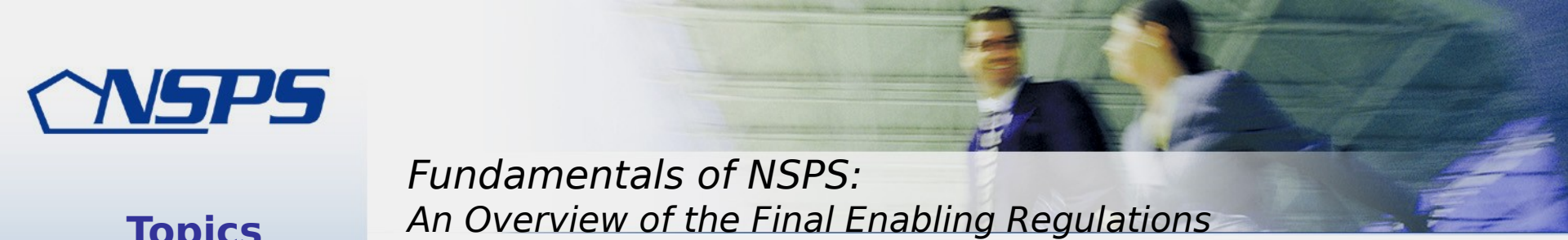

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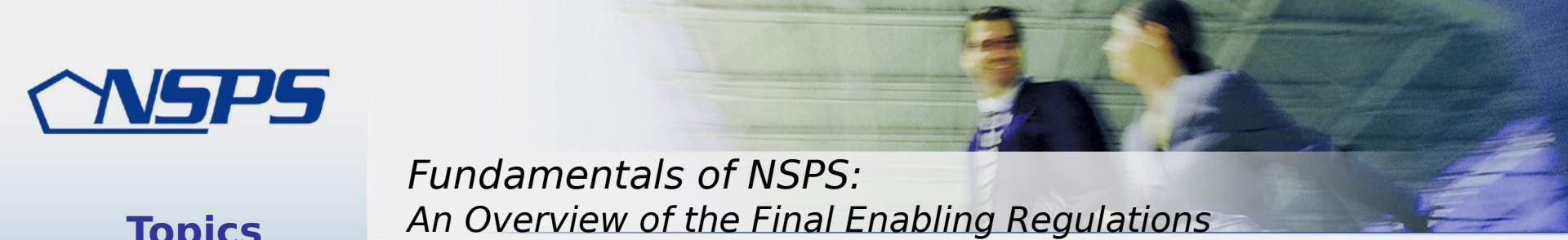
Powers and Duties of the Board (continued) (9901.908)

While the Department may issue interim rules for the NSLRB, the NSLRB will ultimately prescribe its own rules and publish them in the *Federal Register*.



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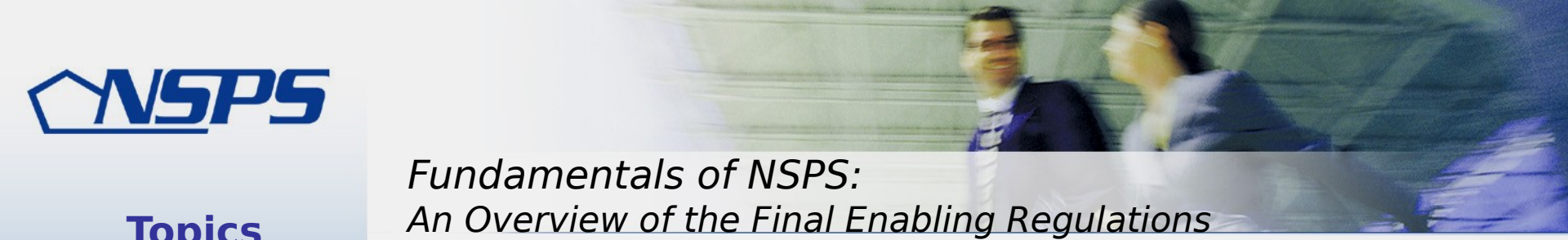
Powers and Duties of the Federal Labor Relations Authority (FLRA) (9901.909)

FLRA will make appropriate unit determinations, conduct or supervise union elections, resolve disputes regarding eligibility to be granted national consultation rights, and review certain NSLRB decisions.



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Management Rights

(9901.910)

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The NSPS regulations prohibit management from bargaining over the procedures of core operational management rights, but management must consult (not bargain) over procedures used in the exercise of these rights, unless otherwise authorized by the Secretary. Additionally, management must bargain over the appropriate arrangements stemming from the exercise of these rights if there is otherwise a duty to bargain. However, appropriate arrangements within the duty to bargain do not include proposals on matters such as routine assignment to specific duties, shifts, or work on a regular or overtime basis, unless otherwise authorized by the Secretary.

Bargaining will not prevent or delay management from exercising its rights (post-implementation bargaining is authorized).

(continued)

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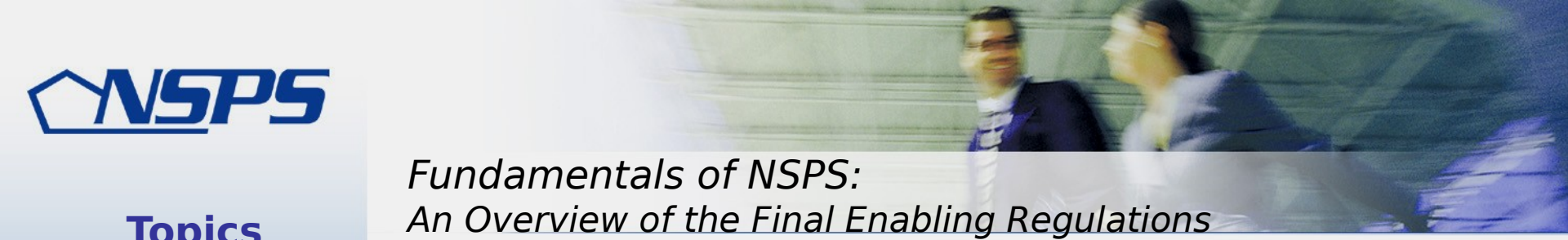
Management Rights (continued)

(**9901.910**)

Under 9901.910(a)(1) and (2) of the NSPS regulations, management has the right to determine the following core operational matters:

- Mission
- Budget
- Organization
- Number of employees
- Internal security practices
- Hiring
- Contracting out
- Numbers, types, pay schedules, pay bands, and grades
- Work assignments
- Technology, methods, and means of performing work (continued)



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Management Rights (continued) (9901.910)

Under 9901.910(a)(3) of the NSPS regulations, management has the right to make personnel management decisions concerning the following matters:

- Layoffs
- Adverse actions/discipline
- Selections for appointment

Management must bargain over procedures and appropriate arrangements used in the exercise of these rights.

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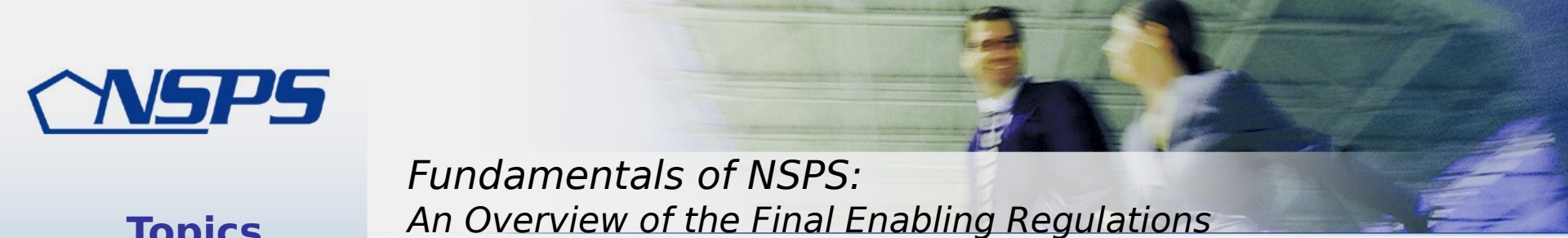

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Exclusive Recognition of Labor Organizations (9901.911)

Exclusive recognition will be accorded to a labor organization elected by eligible employees (secret ballot, majority of votes cast) in an appropriate unit as determined by the Authority. There is no change from chapter 71 of title 5.

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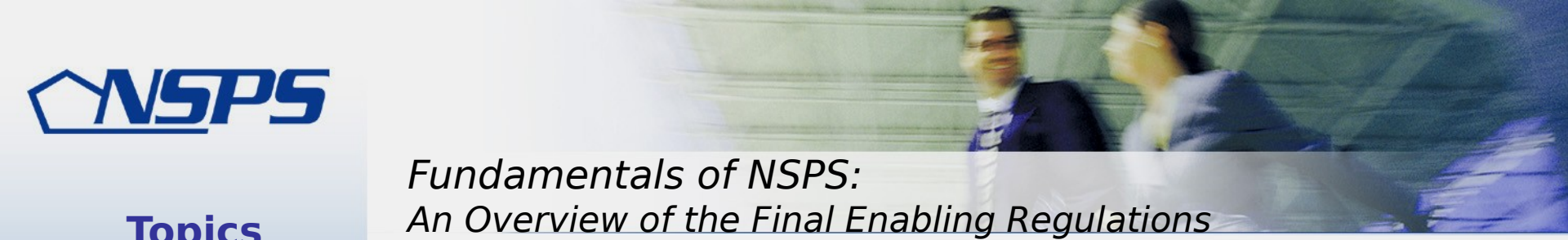

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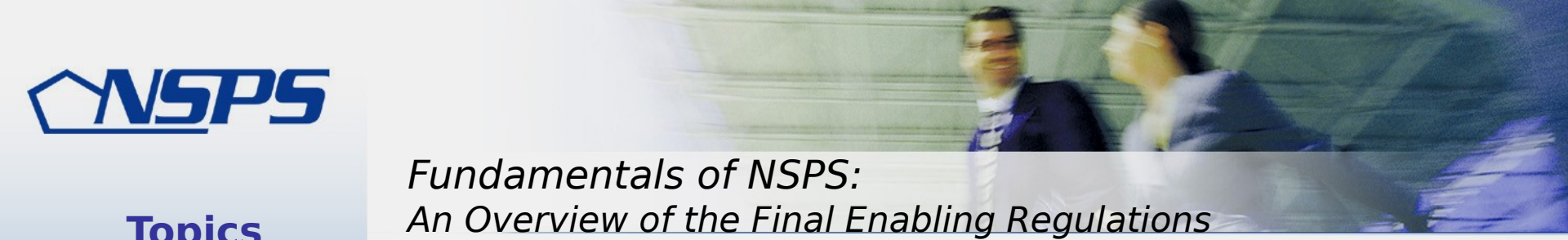
Determination of Appropriate Units for Labor Organization Representation (9901.912)

In determining appropriate units, the FLRA will ensure a clear and identifiable community of interest among the employees, consistent with Department's mission and organizational structure.

These regulations retain chapter 71 exclusions of certain kinds of employees from bargaining units. NSPS also excludes supervisors of military members.



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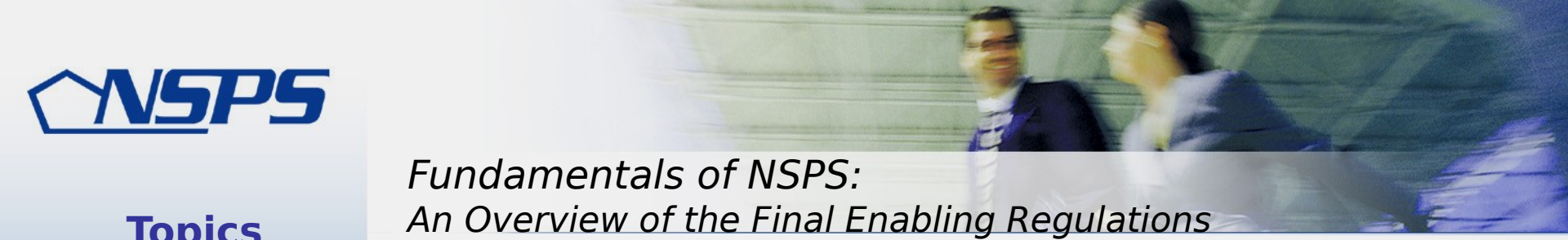
National Consultation (9901.913)

The Department and Components will conduct national consultation over substantive changes in conditions of employment with those unions holding national consultation rights. National consultation is not required where national-level bargaining has occurred or where continuing collaboration procedures apply. Nothing in the regulations precludes management from seeking the views of other labor organizations that do not hold national consultation rights, nor does the conduct of national consultation eliminate any local labor relations obligations.



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Representation Rights and Duties (9901.914)

This section protects the union's right to represent bargaining unit employees. It provides for union representation at formal discussions if the purpose of the meetings is for management to:

- Announce or discuss new or substantially changed personnel policies or practices.
- Discuss grievances filed under a negotiated grievance procedure.

However, union representatives are subject to the same expectations regarding conduct as any other employee. (continued)

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Representation Rights and Duties (continued) (9901.914)

The union representation right does not apply to discussions where personnel policies, practices, or working conditions are:

- Peripheral or incidental to the announced purpose of the meeting.
- A reiteration or application of existing personnel policies, practices, or working conditions.

(continued)

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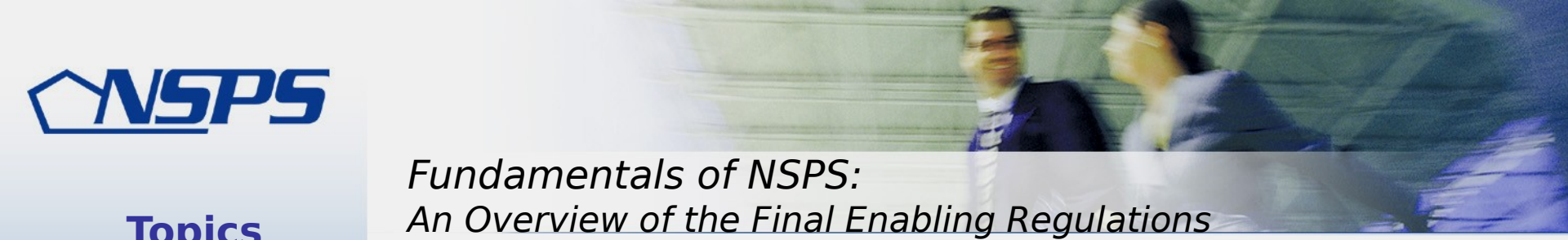
Representation Rights and Duties (continued) (9901.914)

Collective bargaining agreements between management and the exclusive representative are subject to approval by the Secretary.

Provisions in existing collective bargaining agreements that conflict with issuances remain in effect until expiration, extension, renewal, or renegotiation of the collective bargaining agreement. At that time they must be brought into conformance.

Provisions in conflict with implementing issuances are not enforceable upon the effective date of NSPS.



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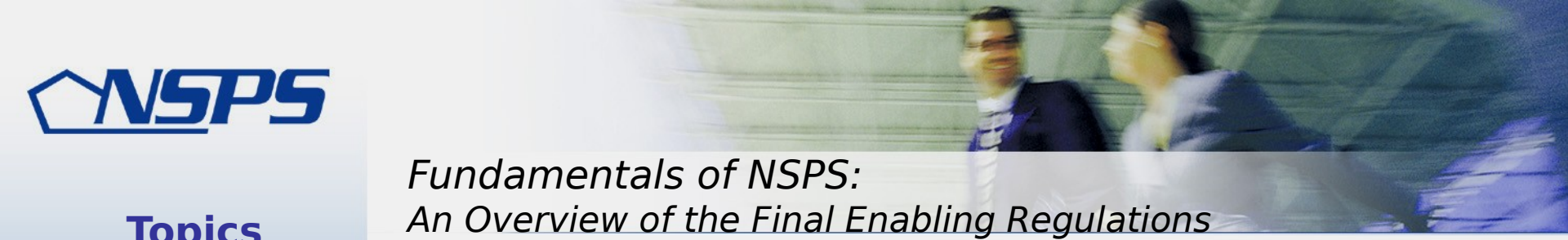
Allotments to Representation (9901.915)

Current chapter 71 authorizations and requirements concerning dues allotments are retained in this section.



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Unfair Labor Practices (9901.916)

Management's unfair labor practices (ULPs) remain almost identical to those contained in chapter 71. The difference is the addition to 7116(a)(7), which now states that it is a ULP to enforce a rule or regulation that is in conflict with a collective bargaining agreement if the agreement was in effect prior to any issuance (other than an implementing issuance), or regulation. Implementing issuances will immediately supersede conflicting provisions of collective bargaining agreements.
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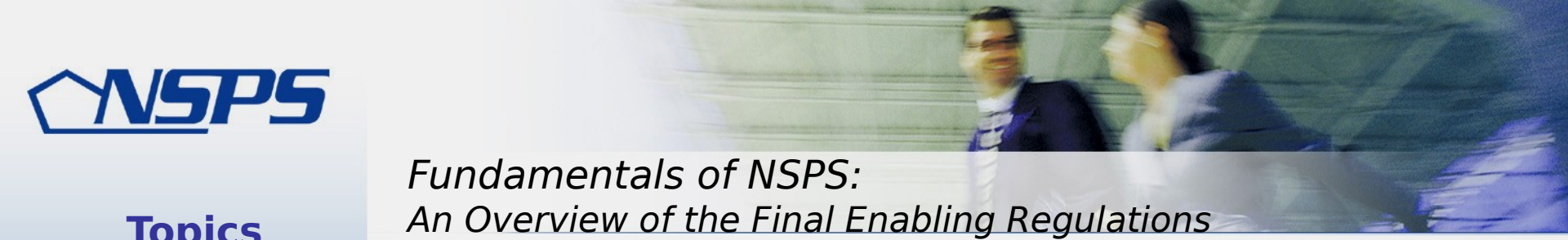

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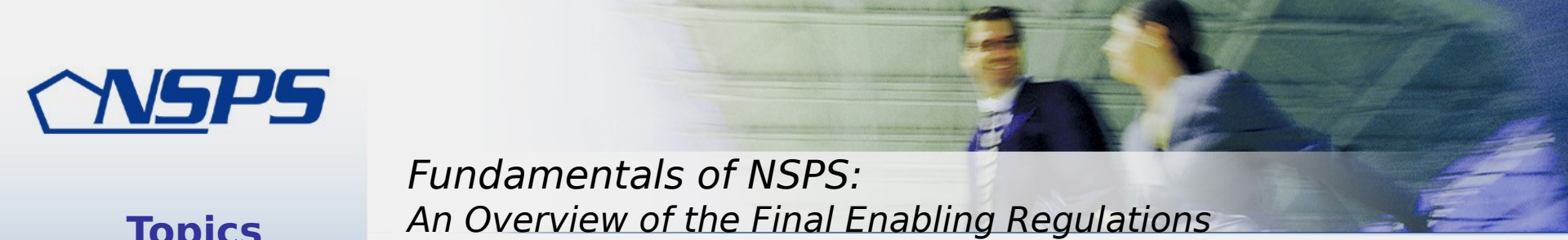
Unfair Labor Practices (continued) (9901.916)

As under chapter 71 and FLRA rules, the Board will not consider any allegation of a ULP filed more than six months after it occurred, unless the Board determines that there is good cause for the late filing.



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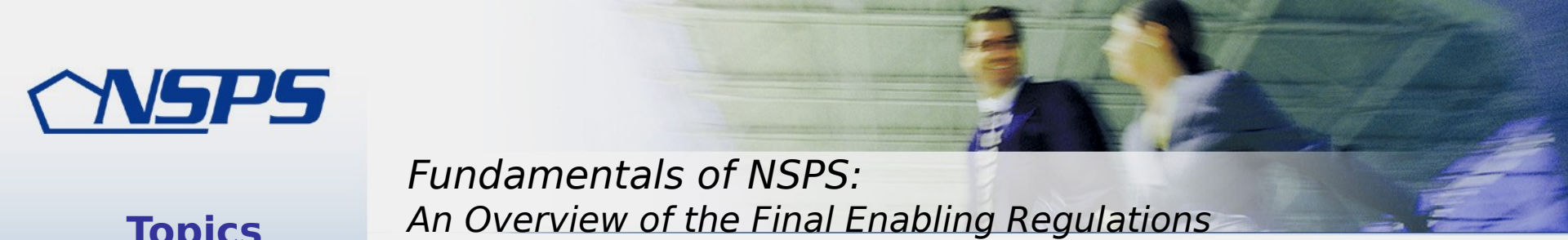
Duty to Bargain and Consult (9901.917)

The new rules establish the duty to bargain in good faith and provide for referral of negotiability disputes and bargaining impasses to the Board for resolution.

Bargaining over an initial or successor agreement is limited to 90 days. Midterm bargaining is limited to 30 days. In both cases, the bargaining period can be extended if all parties agree to continue bargaining.



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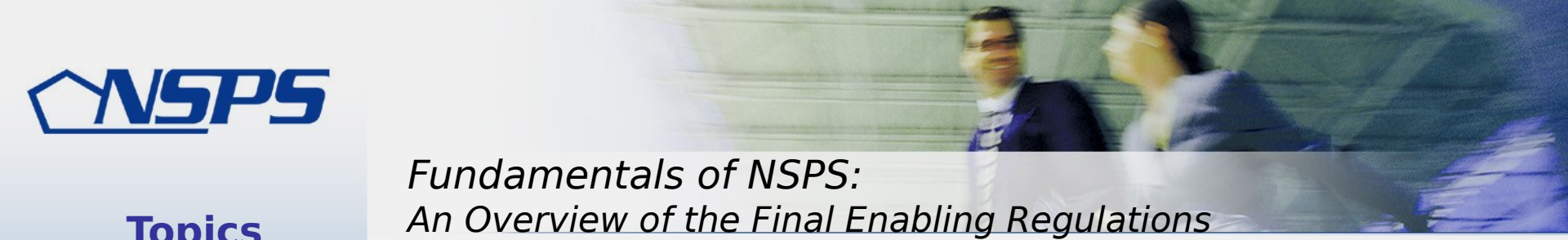
Multi-unit Bargaining (9901.918)

The new labor relations system provides management the ability to negotiate with multiple exclusive representatives at varying geographical or organizational levels, in order to bargain once over the same issue.

Such bargaining is at the discretion of management and is binding on all parties requested to participate. Furthermore, when an agreement is set, individual units cannot opt out of or veto the agreement.



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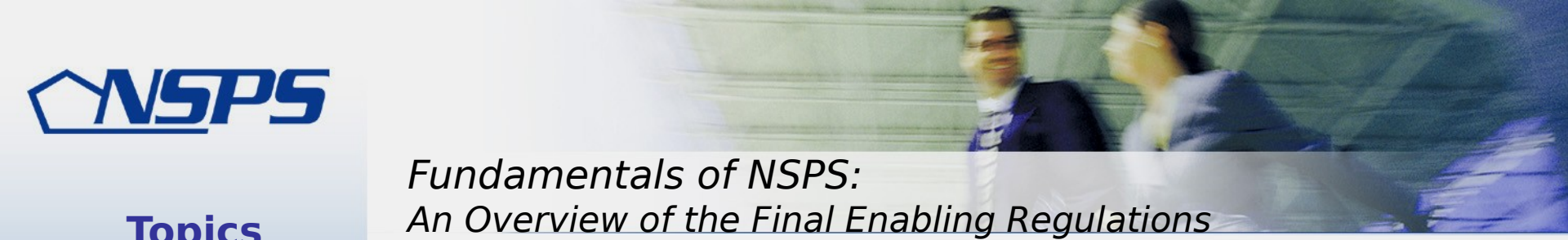
Collective Bargaining Above the Level of Recognition (9901.919)

NSPS provides for national-level bargaining, at the discretion of the Secretary, to negotiate an issue at a level above the level of recognition, and provides that resultant agreements are binding on all subordinate bargaining units of the labor organizations invited to participate. Once an agreement is set, individual unions cannot opt out of or veto the agreement.

The regulations exclude National Guard Bureau and Air and Army National Guard from national-level bargaining.



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Negotiation Impasses

(9901.920)

The Board has impasse-resolution authority. To the extent practicable, a single, integrated process will be used to resolve all matters associated with negotiation disputes (such as negotiability appeals, ULPs, and impasses).

The Federal Service Impasses Panel retains authority to resolve impasses over alternative work schedule matters.

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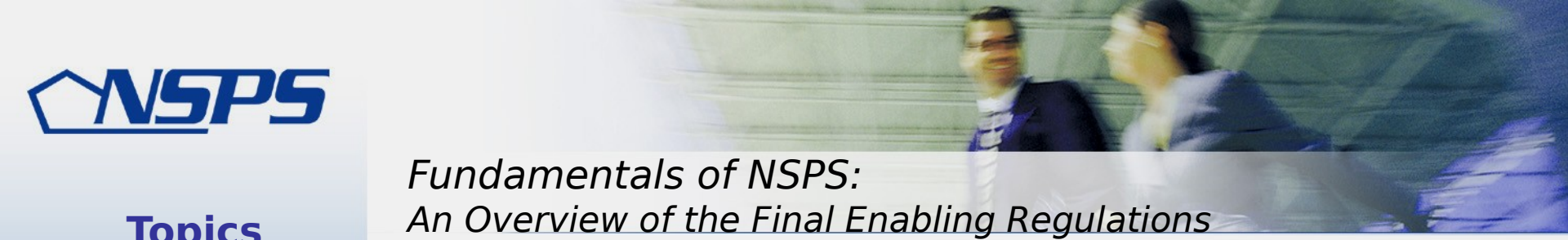
Standards of Conduct for Labor Organizations (9901.921)

The labor relations standards of conduct are the same under chapter 71.



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Grievance Procedures

(9901.922)

Collective bargaining agreements will include procedures for settlement of grievances, using binding arbitration. The procedures will permit negotiated grievances over performance appraisal ratings of record or an administrative reconsideration process. Final decision authority in the negotiated grievance process (NGP) covering performance appraisal ratings of record may rest with an independent arbitrator or a panel consisting of an arbitrator, a union representative, and a management representative.

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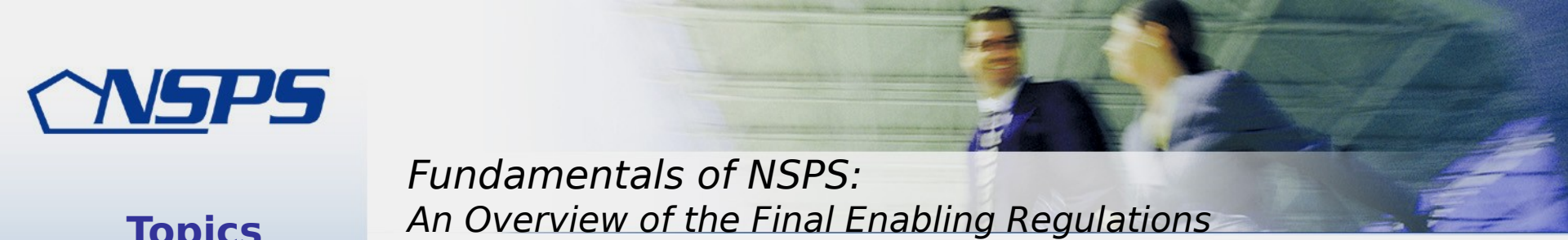

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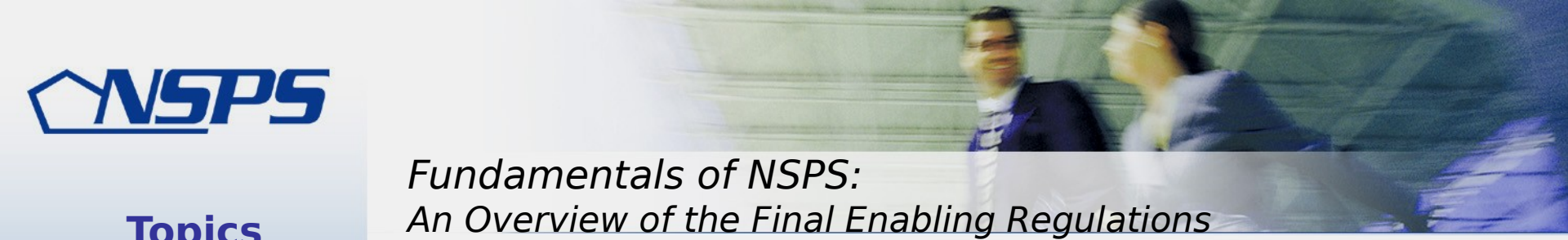
Grievance Procedures (continued) (9901.922)

An arbitrator or panel may not:

- Conduct an independent evaluation of performance.
- Substitute personal judgment for that of management.

Mandatory removal offenses are a new exclusion under the negotiated grievance procedure.



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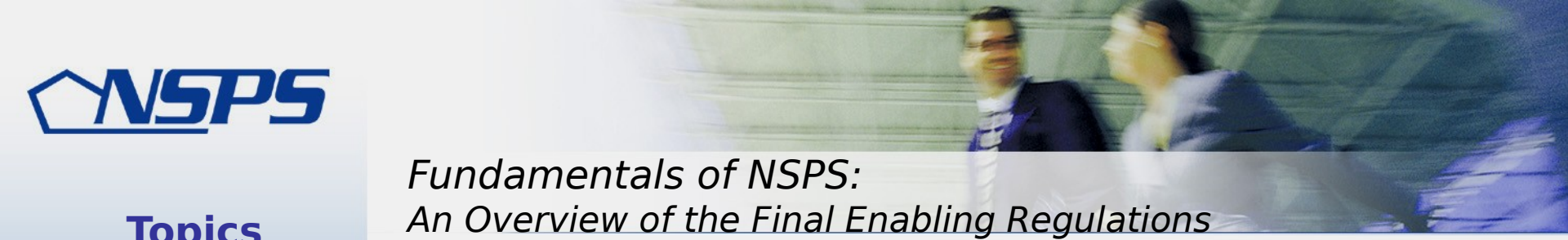
Exceptions to Arbitration Awards (9901.923)

Either party may file an exception to any arbitrator's award with the NSLRB, except for those awards involving appealable actions under the NSPS regulations. Parties file exceptions involving appealable actions as an RFR with the DoD and MSPB, followed by a petition for review to the MSPB, and then to the Federal Circuit in accordance with subpart H of the NSPS regulations.

In addition to the bases for exception provided in chapter 71, parties also may file exceptions based on the arbitrator's failure to properly consider the Department's national security mission or to comply with applicable NSPS regulations and implementing issuances. In reviewing exceptions, the NSLRB may determine its own jurisdiction without regard to whether any party has raised a jurisdictional issue.



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Official Time (9901.924)

In recognition of the foregoing representational responsibilities of the union, the regulations preserve the official time provisions in chapter 71 of title 5. In so doing, the regulations clarify that, consistent with current law, official time is not permitted for representational duties outside the exclusive representative's bargaining unit, except when participating in multi-unit bargaining and bargaining above the level of recognition, provided there is mutual agreement between the agency and the exclusive representatives involved.

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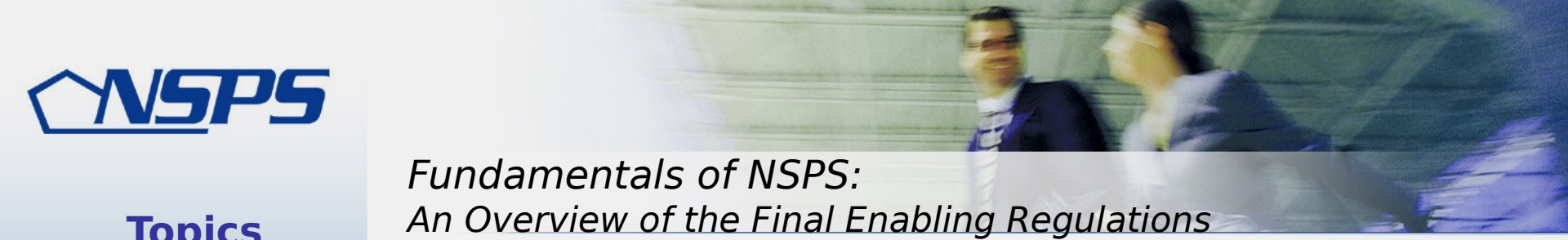

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Compilation and Publication of Data (9901.925)

Under these regulations, the Board is required to maintain official records of files and publish text of rulings.

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Regulations of the Board (9901.926)

DoD will issue interim rules governing the operation of the Board.

Once established, the Board will prescribe and publish rules in the *Federal Register*.

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Continuation of Existing Laws, Recognitions, Agreements, and Procedures (9901.927)

Nothing precludes continuation of an exclusive recognition; a certification of an exclusive representative; or renewal or continuation of an agreement that is otherwise consistent with law, these regulations, and DoD issuances entered into before the effective date of the labor relations system.

All Presidential Orders will remain in effect until revised or revoked by the President, unless superseded by these regulations or by implementing issuances.

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Savings Provisions

(9901.928)

The new labor relations rules will not apply to grievances or other administrative proceedings already pending when the rules go into effect. Any remedy that applies after the date of coverage will not be enforceable if it conflicts with applicable provisions of the new rules.

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Labor Relations—Knowledge Check 1

Click the appropriate answer.

The NSPS labor relations system may _____ existing collective bargaining agreements.

a) Modify
b) Expand
c) Replace
d) Reduce

Labor Relations—Knowledge Check 2

Click the appropriate answer.

NSPS has no impact on the employees' rights to bargain collectively.

a) True

b) False

Labor Relations—Knowledge Check 3

Click the appropriate answer.

In the new system, the National Security Labor Relations Board (NSLRB) may perform all of the following activities except:

a) Conducting investigations, hearings, and resolving allegations of unfair l abor practices (ULPs).
b) Resolving issues relating to bargaining scope.
c) Resolving negotiation impasses.
d) Determining the appropriateness of bargaining units.

Labor Relations—Knowledge Check 4

Click the appropriate answer.

National consultation is not required where national-level bargaining has occurred or where the continuing collaboration procedures apply.

a) True
b) False

Labor Relations—Knowledge Check 5

Click the appropriate answer.

Which of the following actions are not ULPs?

a) Publicizing elections
b) Correcting the record
c) Informing employees of Government policy
d) Enforcing a DoD NSPS implementing issuance which is in conflict with a collective bargaining agreement
e) All of the above

Labor Relations—Knowledge Check 6

Click the appropriate answer.

The contents of DoD and Military Department issuances (policies, etc.) are _____.

a) Non-negotiable

b) Negotiable

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- Band
- Basic Pay
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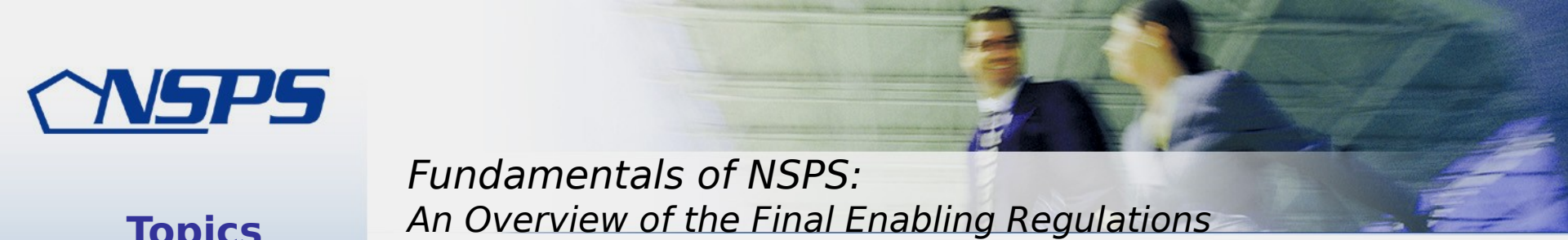
- Contribution
- Day
- Department or DoD
- Director
- Employee
- Furlough
- General Schedule
- Implementing Issuances
- Initial Probationary Period
- In-Service Probationary Period
- Labor Organization
- Mandatory Removal Offense (MRO)
- Military Department
- MSPB
- NSPS
- Occupational Series
- OPM
- Pay Band
- Pay Schedule
- Performance
- Principal Staff Assistants
- Promotion
- Rating of Record
- Reassignment
- Reduction in Band
- Secretary
- SES
- SL/ST
- Unacceptable Performance



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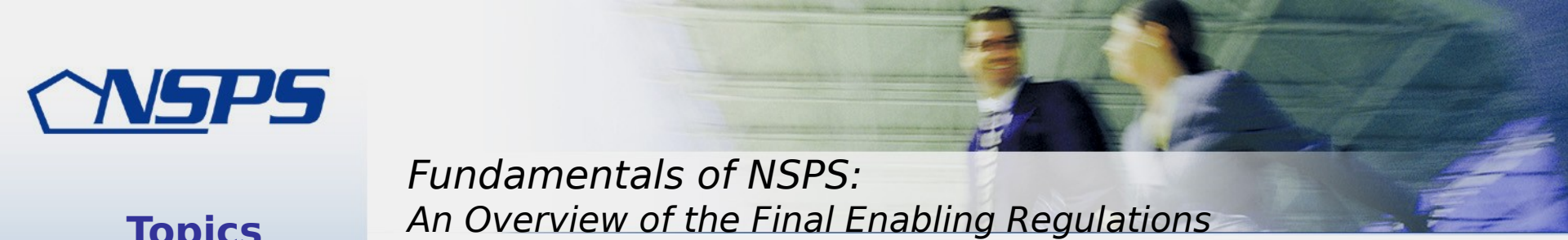
Definitions—Classification

- Band
- Basic Pay
- Career Group
- Classification
- Competencies
- Occupational Series
- Pay Band
- Pay Schedule
- Position (or Job)



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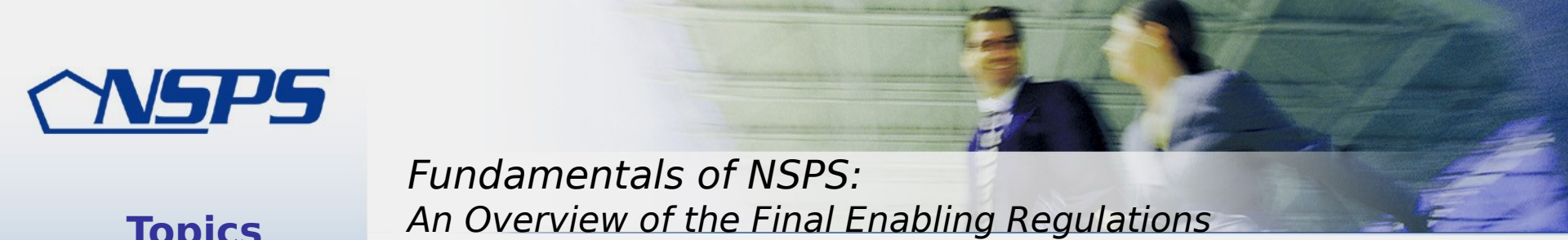
Definitions—Pay and Pay Administration

- Band
- Basic Pay
- Band Rate Range
- Bonus
- Career Group
- Competencies
- Contribution
- Contribution Assessmen t
- CONUS or Continental U nited States
- Extraordinary Pay Incre ase (EPI)
- Local Market Suppleme nt
- Modal Rating
- Pay Band or Band
- Pay Pool
- Pay Schedule
- Performance
- Performance Payout
- Performance Share
- Performance Share Value
- Promotion
- Rating of Record
- Reassignment
- Reduction in Band
- Unacceptable Performance



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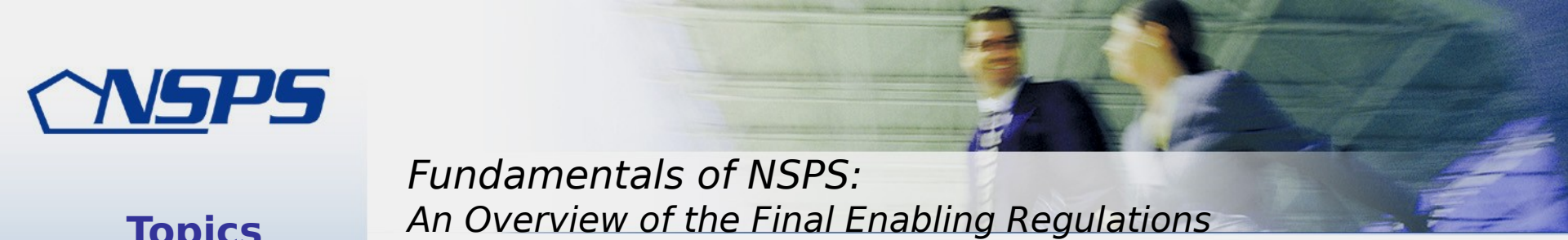
Definitions—Performance Management

- Appraisal
- Appraisal Period
- Competencies
- Contribution
- Minimum Period
- Pay-for-Performance Evaluation System
- Performance
- Performance Expectations
- Performance Management
- Performance Management System
- Rating of Record
- Unacceptable Performance



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Definitions—Staffing and Employment

- Career Employee
- Initial Probationary Period
- In-service Probationary Period
- Promotion
- Reassignment
- Reduction in Band
- Temporary Employee
- Term Employee
- Time-Limited Employee

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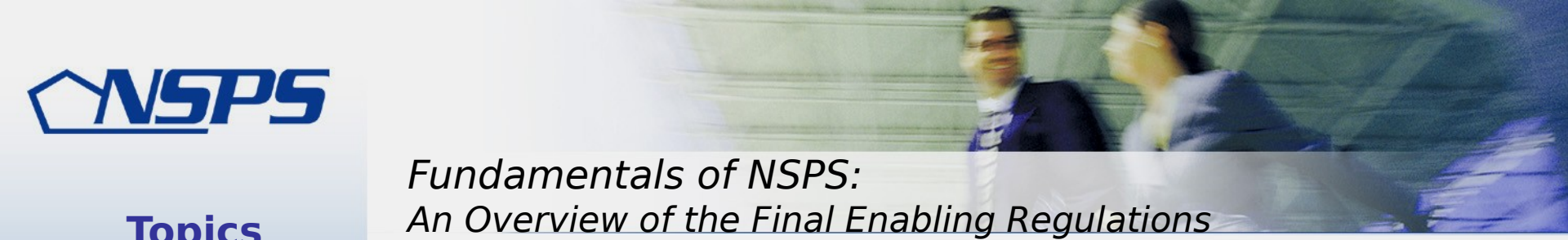

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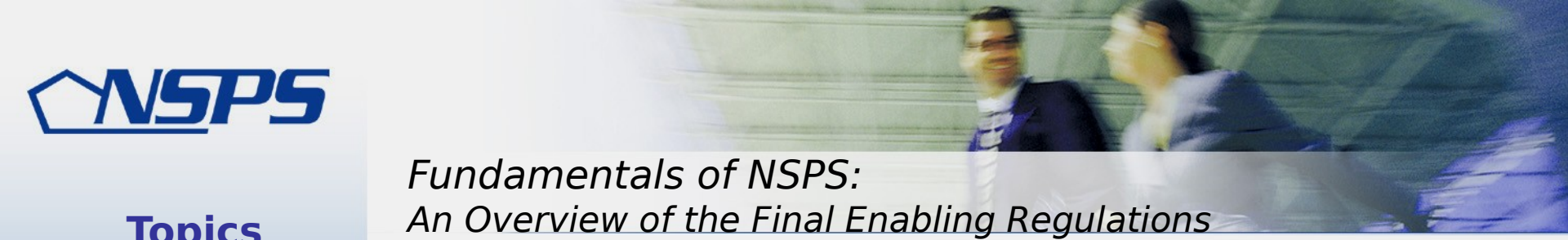
Definitions—Workforce Shaping

- Competing Employee
- Competitive Area
- Competitive Group
- Displacement Right
- Modal Rating
- Notice
- Rating of Record
- Retention Factors
- Retention List
- Tenure Group
- Undue Interruption



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Definitions—Adverse Actions

- Adverse Action
- Band
- Day
- Furlough
- Indefinite Suspension
- Initial Probationary Period
- In-service Probationary Period
- Mandatory Removal Offense (MRO)
- Reduction in Pay
- Removal
- Suspension

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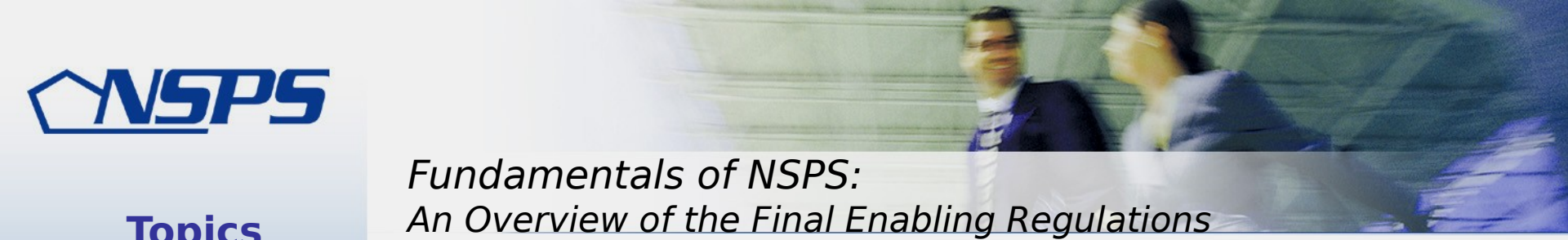
Definitions—Appeals

- Administrative Judge, or AJ
- Class Appeal
- Harmful Error
- Mandatory Removal Offense (MRO)
- MSPB
- Petition for Review (PFR)
- Preponderance of the Evidence
- Request for Review (RFR)



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Definitions—Labor-Management Relations

- Authority
- Board
- Collective Bargaining
- Collective Bargaining Agreement
- Component
- Conditions of Employment
- Confidential Employee
- Consult
- Dues
- Exclusive Representative
- FMCS
- Grade
- Implementing Issuance(s)
- Issuance(s)
- Labor Organization
- Management Official
- Negotiated Grievance
- Person
- Professional Employee
- Supervisor

Acronym List

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ADR	Alternative Dispute Resolution
AJ	Administrative Judge
AWOL	Absent Without Leave
CFR	Code of Federal Regulations
CID	Criminal Investigation Division
DARPA	Defense Advanced Research Projects Agency
DHS	Department of Homeland Security
DoD	Department of Defense
EEOC	Equal Employment Opportunity Commission
FLRA	Federal Labor Regulations Authority
FMCS	Federal Mediation and Conciliation Service
FR	Federal Register
FWS	Federal Wage System
FY	Fiscal Year
HR	Human Resources
IG	Inspector General
KPP	Key Performance Parameter
LWOP	Leave Without Pay
MRO	Mandatory Removal Offense
MSPB	Merit Systems Protection Board
NCIS	National Criminal Intelligence Service
NGP	Negotiated Grievance Procedure
NSLRB	National Security Labor Relations Board
NSPS	National Security Personnel System
OIPT	Overarching Integrated Product Team
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OSI	Office of Special Investigations
PDF	Portable Document Format
PEO	Program Executive Office
PFR	Petition for Review
RIF	Reduction in Force
RFR	Request for Review
SES	Senior Executive Service
SL/ST	Senior and Scientific or Professional Positions
ULP	Unfair Labor Practice
U.S.C.	United States Code

End

Department of Defense

National Security Personnel System

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http://www.cpms.osd.mil/nsps